

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
ANNABEL MELONGO,)
Plaintiff,)
vs.)No. 13-cv-04924
ASA ROBERT PODLASEK, et al.,)
Defendants.)

The deposition of DETECTIVE WILLIAM MARTIN, called by the Plaintiff, pursuant to notice and in accordance with the applicable provisions of the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before MARYBETH ROESSLER, CSR, RPR, CSR License No. 084-002864, a notary public within and for the County of Will and State of Illinois, taken at 180 North LaSalle Street, Chicago, Illinois, on Tuesday, May 8, 2018, commencing at about the hour of 8:35 a.m.

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23 Also Present:
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1	(Witness duly sworn.)
2	DETECTIVE WILLIAM MARTIN,
3	called as a witness herein, having been first duly
4	sworn, was examined and testified as follows:
5	EXAMINATION
6	By Ms. Schwartz:
7	Q Good morning, Detective Martin.
8	A Good morning.
9	Q My name is Julia Schwartz. I represent
10	the Plaintiff Annabel Melongo in this case.
11	Before we get started I'll ask everyone
12	in the room to announce themselves so you know who
13	they are. I'll also note that Shirley Calloway,
14	who represents Defendant Kyle French, is on her way
15	and she will be joining us shortly.
16	MR. KAPLAN: My name is Eric Kaplan. I'm
17	representing the deponent.
18	MR. WUNDER: Chris Wunder. I have the
19	deponent as well.
20	MS. BROWN: Bianca Brown, all Cook County
21	Defendants.
22	MS. NINFO: Dina Ninfo, Carol Spizzirri.
23	MS. SCHWARTZ: And Miss Melongo is listening
24	in by the conference line as well. It's also

1	possible that one of my colleagues, Michael
2	Shakman, who also represents Miss Melongo will be
3	coming in and out during the day.
4	By Ms. Schwartz:
5	Q Would you state your name?
6	A Detective William Martin.
7	Q Do you prefer I refer to you as
8	Detective Martin today?
9	A It doesn't matter.
10	Q I'll go with Detective Martin, unless
11	you have an issue with that.
12	A No, that's fine.
13	Q Detective Martin, have you ever been
14	deposed before?
15	A Yes, I believe so, once.
16	Q When was that deposition?
17	A Oh, gosh. I don't recall the exact
18	date. Roughly 1998 maybe. And then again --
19	actually, twice. I'm trying to think of when that
20	was. Probably 2012 maybe, a separate incident.
21	Q And let's start with the 1998
22	deposition.
23	Was that a litigation in which you were
24	a party, a defendant or a plaintiff?

1	A No. It was an -- we just had
2	information. It was regards to a person that the
3	Schiller Park Police Department had dealings with
4	over the years, and she was a -- I don't know how
5	to call it, but she -- it was one of the Walgreens
6	daughters, and they were -- I don't know what they
7	were trying to do as far as the company and the
8	family, trying to disown her or whatever they were
9	trying to do to her, but they wanted our
10	information as far as how many dealings we had with
11	her and the type of interaction we had with her at
12	the time. That's the best I can remember what
13	happened.
14	Q So the case in which you were deposed in
15	or around 1998 involved a dispute between members
16	of the Walgreens family, in which you were a
17	witness with information?
18	A Correct.
19	Q You were not a party?
20	A Correct.
21	Q Do you recall the case name or anything
22	about the case other than?
23	A No. I just remember her and the -- I
24	think it was the guy she was dating in town is

1 about the only thing I remember.

2 Q And the deposition that was in 2012,
3 were you a party in that case, a plaintiff or
4 defendant?

5 A No. Same thing. It was -- we had a
6 witness to information.

7 Q What generally speaking was the facts of
8 that case, the issues?

9 A There was a chase and the officer --
10 some of the responding officers, there was some
11 shots fired and they ended up killing the guy. So
12 the insurance I think later on for the deceased
13 wanted information about what I had seen and who
14 did what at the time.

15 Q So was it a dispute between the
16 insurance company and the deceased?

17 A I think officers -- no, I think it was a
18 dispute with the insurance companies suing the
19 officers that had shot the gentleman.

20 Q And you were a witness but not a
21 defendant?

22 A Correct.

23 Q Do you recall the name of that case?

24 A No. I just know that one of the main

1 you answer whatever question I have pending, and
2 then we can take a five-minute break.

3 A Okay.

4 Q I'll also be taking breaks throughout
5 the day as well.

6 A Okay.

7 Q Detective Martin, is there any reason
8 that you cannot give truthful and accurate
9 testimony here today?

10 A No, there is not.

11 Q Are you represented by counsel today?

12 A I am.

13 Q Are these your attorneys sitting next to
14 you, Mr. Kaplan and Mr. Wunder?

15 A Yes.

16 Q What have you done to prepare for
17 today's deposition?

18 A Read through my police reports and some
19 of the prior testimonies that were given.

20 Q And when you say prior testimonies that
21 were given, are you referring to depositions in
22 this litigation?

23 A Yes.

24 Q Whose deposition testimony did you

1 police departments was the neighboring town of us,
2 it's Franklin Park.

3 Q Since this is your third deposition,
4 you've done this before, but I would just like to
5 go over some ground rules for today.

6 First, as you can see, we have a court
7 reporter here today. For her sake, let's try not
8 to talk over one another. I'll try to let you
9 finish your answers, if you try to let me finish my
10 questions; is that fair?

11 A Yes, ma'am.

12 Q Please give verbal answers. Head nods
13 and uh-uh's don't translate well onto the
14 transcript; is that fair?

15 A Yes, ma'am.

16 Q If I ask a question and you don't
17 understand it, will you let me know?

18 A Yes, ma'am.

19 Q If you've answered one of my questions,
20 I will assume that you understood the question; is
21 that fair?

22 A Yes.

23 Q If you need a break at any time, please
24 do let me know. The only thing I would ask is that

1 review?

2 A Kyle French and Shahna Monge.

3 Q Did you review any other deponents'
4 testimony?

5 A No.

6 Q Apart from your police report, did you
7 review any other documents in preparation for
8 today?

9 A The grand jury transcripts.

10 Q Anything else?

11 A The forensic summary.

12 Q Is that Miss Monge's forensic summary?

13 A Correct.

14 Q Anything else?

15 A A couple other pieces of evidence in
16 regards to the -- more of the emails -- or the
17 emails that were in question of being forwarded,
18 but also the email from Tech Support at Web HSP, I
19 believe. I'm trying to think. I don't think there
20 was anything else that I can think of off the top
21 of my head.

22 Q About how much time would you say you
23 spent preparing for today's deposition?

24 A Maybe six hours or so; about six

1 hours.
 2 Q Did you meet with your lawyers before
 3 coming here today?
 4 A Yes.
 5 Q Apart from your lawyers, did you meet
 6 with or discuss today's deposition with anyone
 7 else?
 8 A No.
 9 Q Detective Martin, I'd like to go over
 10 general -- some general background about you,
 11 starting with your education.
 12 A Okay.
 13 Q Let's discuss your education since --
 14 did you graduate from high school?
 15 A Yes.
 16 Q Let's start with your education after
 17 graduating from high school. Would you walk me
 18 through your educational history?
 19 A I went to the University of Illinois
 20 down at Champaign for I think it was two years, but
 21 I transferred from there to the Lewis University in
 22 Romeoville and graduated from there in '92, I
 23 believe, '92 or '93.
 24 Q And after graduating from Lewis

1 Q So your full-time employment prior to
 2 becoming a police officer was Nordstrom and
 3 Great Lakes Airlines?
 4 A Yes.
 5 Q Was there any other full-time employment
 6 before that that you can recall?
 7 A Not that I can recall.
 8 Q Did you become a police officer in
 9 1995?
 10 A I did.
 11 Q Did you have to go through any training
 12 before becoming a police officer?
 13 A Yeah. I went to Chicago's Police
 14 Academy.
 15 Q What year was that that you went to
 16 Chicago's Police Academy?
 17 A January of '95 I started.
 18 Q How long were you at the
 19 Police Academy?
 20 A I believe it was 16 weeks. I believe we
 21 got out some time in April.
 22 Q After completing the Police Academy,
 23 what was your next full-time employment?
 24 A That was it. I've had -- that's the

1 University, did you have any other education, any
 2 other --
 3 A Just like on-the-job training and
 4 things. That's pretty much it that I can think
 5 of.
 6 Q In terms of training after -- strike
 7 that.
 8 What did you do after you graduated in
 9 1992 or 1993 from Lewis University?
 10 A I had several jobs. I'm trying to think
 11 where I started after that. I worked for Nordstrom
 12 for a while through college and then when I
 13 finished college I worked for them for a period of
 14 time.
 15 I went to -- I'm trying think what they
 16 were called. It was United Express but they
 17 operated -- they operated under the United Express
 18 flag. I'm trying to think of the name. Great
 19 Lakes Airlines is what they were called.
 20 Q And about what years did you work at
 21 Great Lakes Airlines?
 22 A '93ish, some time in '93 throughout --
 23 till January of '95, when I got hired at the
 24 Police Department.

1 only one I really ever had since then. I've done
 2 part-time gigs here and there for, you know, a
 3 little bit of money, but nothing formal really.
 4 Q When you say that was it, are you
 5 referring to the Schiller Park Police Department?
 6 Did you go straight to the Schiller Park Police
 7 Department?
 8 A Yeah. After I graduated the Academy --
 9 Schiller Park sent me. They hired me January 9th
 10 of 1995. I think I started at the Academy on
 11 January 10th. And then that was the only full-time
 12 employment I've had since that time.
 13 Q So you've been with the Schiller Park
 14 Police Department full time since 1995?
 15 A Correct.
 16 Q Let's walk through the roles that you've
 17 had within the Schiller Park Police Department.
 18 When you started in 1995, what was
 19 your -- what was your role?
 20 A I was just patrolman. Then I think it
 21 was '96 or '7, shortly -- I wasn't a patrolman very
 22 long before I was put into the community policing
 23 unit. And then we did that for a number of years.
 24 I don't recall exactly how long, but I was

1 promote -- rough ball park, nine, ten years.
 2 Then I got promoted -- well, I shouldn't
 3 say promoted. I got assigned to the detective
 4 division. But as my -- I currently sit -- we are
 5 patrolman that are just assigned to the detective
 6 division. It's not a promotion. It's just
 7 assigned a duty.

8 Q So you are a patrolman assigned to the
 9 detective unit?

10 A Correct.

11 Q And are you a detective?

12 A Yes.

13 Q Do you go by detective?

14 A Yes.

15 Q And you've been a detective since about
 16 2006, 2007?

17 A 2006, I believe. I think it was 2006,
 18 like March or so of 2006.

19 Q When you were a patrolman in 1995, 1996,
 20 what -- what were your job responsibilities?

21 A Just, you know, responding to calls.
 22 I'm trying to think. We didn't really have many
 23 other than that. We didn't do any proactive stuff
 24 at that point.

1 It was just, you know, you ride with the
 2 training officer for a couple of months, get used
 3 to each of the shifts, and then they would, you
 4 know, allow you to drive and answer calls on your
 5 own.

6 Q So as a patrolman you were mostly
 7 responding to --

8 A Calls for service.

9 Q -- when individuals called the
 10 Schiller Park Police Department?

11 A Yes.

12 Q And then when you were with the
 13 community policing unit, what were your job
 14 responsibilities?

15 A We were assigned to interact with the
 16 public, the business community, trying to establish
 17 relationships and the trust within those parts of
 18 the community in order to better get involvement
 19 from them. Whether it be assisting us with
 20 programs that we were trying to do for the kids or
 21 having the comfort level with the Police Department
 22 to want to come forward with crimes that had been
 23 committed and information that they may have.

24 Q While you were with the community

1 policing unit, did you work on individual
 2 investigations or matters?

3 (At this point in the deposition
 4 Ms. Calloway entered the room.)

5 THE WITNESS: No. We were more just assigned
 6 to, you know, -- like we would do neighbor disputes
 7 and things like that. We would try to go to each
 8 one of the neighbors and try to calm the problems
 9 or try and assist them in dealing with their issues
 10 with one another. But that was the only type of, I
 11 guess, follow up after the initial call for
 12 service.

13 By Ms. Schwartz:

14 Q Would you -- while you were working at
 15 the community policing unit would you make arrests,
 16 for instance?

17 A Yes. We were still patrolman. We were
 18 still -- we were assigned to the unit, but should a
 19 call for service need -- an officer needed a backup
 20 or things like that, we were still assigned to the
 21 street. So the street sergeant could say hey, you
 22 know, assign him to that call, and the dispatcher
 23 would send you there. So if they needed help or
 24 they needed backup or something like that, we could

1 still be called to do that kind of thing.

2 Q So while you worked at the community
 3 policing unit, you still had some of the same
 4 responsibilities as a patrolman would, --

5 A Correct.

6 Q -- which was making arrests, following
 7 up --

8 A Correct.

9 Q -- on calls?

10 A And there were times when we were short
 11 employees, you know, guys would leave or whatever
 12 and they were short on a shift, we could
 13 potentially be assigned to a shift. Again, as a
 14 patrolman in that role and not be doing community
 15 policing. We would just, you know, follow the same
 16 schedule.

17 Normally when you were in community
 18 policing, you had a specific schedule and time that
 19 you worked like an eight hour time block that was
 20 different from what the actual patrol shifts were.

21 So when you were assigned to patrol, you
 22 would just go back and follow that schedule.

23 Q In terms of your assignment to the
 24 detective division, which you testified is where

1 you are currently working at Schiller Park
 2 Police Department, what were your -- are your
 3 responsibilities as a detective in the detective
 4 division?

5 A We would -- we follow up cases in a
 6 sense where there is a call for service and
 7 potentially we don't have an arrestee in custody
 8 yet, we would basically look for information and
 9 attempt to discover who the offender might be, and
 10 then arrest that offender.

11 Q Do you focus on cases where there is
 12 some investigative work that needs to be done prior
 13 to arrest, is that what you do as a detective?

14 A Yes.

15 Q How does your role as a detective differ
 16 from your previous role as a patrolman?

17 A When a patrolman is assigned to a case
 18 -- or a call, they basically just get the who,
 19 what, where, when, why and how. It's very basic.

20 Whereas, when we are assigned that
 21 follow up, we have to dig further. We have to look
 22 into things, and potentially may discover more
 23 ev -- how do I say this -- more evidence, more
 24 suspects, and you tend to develop more leads than

1 just specifically documentation of what may have
 2 occurred.

3 Q Did you receive any training to become a
 4 detective?

5 A Yes.

6 Q What was that training?

7 A I took I believe it was a 40-hour class.
 8 I -- I think it's a NEMRT class, Northeast
 9 Multi-Regional Training I think it stands for.

10 Q And what was the purpose of the
 11 training?

12 A There is -- just, you know, they have
 13 different classes that they have to provide to
 14 police officers, and this one was the 40-hour
 15 detective class.

16 Q Since becoming a detective have you
 17 participated in any other training?

18 A Yes, several.

19 Q Can you name a few examples?

20 A Elderly training -- I'm trying to think
 21 of what they call it, but it's crimes against the
 22 elderly, gang crimes, computer-related crimes,
 23 identity theft-related crimes, crime prevention
 24 training.

1 I can't think of anything -- that's
 2 pretty much it. There is a number of them, but
 3 it's all related to the same types of things.

4 Q In terms of computer-related crime
 5 training, what does -- what have those trainings
 6 focused on?

7 A It started off with more the internet
 8 crimes against children training in the sense of
 9 gathering evidence relating to child exploitation
 10 and undercover operations and undercover chats.

11 Q Any other types of computer crime
 12 training?

13 A Yeah. That's -- I started there and
 14 then I moved into more of the identity theft and
 15 how those crimes are perpetrated and gathering
 16 evidence relating to IP addresses and email
 17 addresses, and then on-line activity, social media
 18 activity. And then just within the last couple
 19 years computers, cell phones and forensics.

20 Q And in terms of these trainings for
 21 computer crime -- crimes, has the focus of any of
 22 those trainings been on how to interpret
 23 computer-related evidence?

24 A Yes.

1 Q And had you participated in those
 2 computer crime trainings -- in any of those
 3 computer crime trainings by 2006, before 2006?

4 A Yeah, I had a few by then. I'm trying
 5 to think. Early 2000s I started doing that,
 6 getting into some of that.

7 Q Did you specialize -- have you
 8 specialized at all as a detective within the
 9 detective unit?

10 A My chief when I first started wanted to
 11 have guys that were specialized in specific things.
 12 Like, for instance, you know, computers and that
 13 type of stuff, cybercrime. And then we had a guy
 14 that was specifically going to do homicides, but as
 15 guys -- we had older guys in the unit when I got
 16 in. So as those guys were transitioning out, the
 17 chief at the time -- actually lieutenant, then
 18 chief, wanted to have these newer guys that were a
 19 little younger and more adapt at using computers
 20 and things be part of a specific unit, but that
 21 never materialized really.

22 I mean, unofficially he would give you
 23 the title, but it was never really specifically on
 24 paper a unit that was designed or developed.

1 Q Did you ever officially or unofficially
 2 have a specialization in computer crimes?
 3 A Yeah. I mean, he basically told me
 4 flat-out that he wanted me to be the cybercrimes
 5 guy.
 6 Q When did he tell you that, what year?
 7 A Back when I first started in like
 8 2006-ish when he wanted me in there, maybe even a
 9 little before that. He was the kind of guy that
 10 kind of promised you things and made you want to be
 11 one of his team.
 12 Q Did you focus -- starting in 2006 and
 13 onward, did you focus exclusively on computer
 14 crimes or did you work on many types of cases?
 15 A No, we had everything. It was just that
 16 he wanted you to know this in case one of these
 17 cases came in. He wanted to be able to have you be
 18 assigned to it.
 19 Q When you say he, who are you referring
 20 to?
 21 A My lieutenant at the time,
 22 Lieutenant Schulze.
 23 Q Was Lieutenant Schulze your supervisor
 24 in 2006?

1 A Yes.
 2 Q And is he still your supervisor today?
 3 A No, he's gone.
 4 Q Who is your supervisor now?
 5 A He is the deputy chief of the Police
 6 Department, his name is Joe DeSimone.
 7 Q When did Lieutenant Schulze stop being
 8 your supervisor, what year?
 9 A If I had to -- if I had to guess, I'd
 10 say 2011 he was promoted to chief.
 11 Q And after that Lieutenant Schulze was
 12 still within the Schiller Park Police Department
 13 but he was not your direct supervisor?
 14 A Correct.
 15 Q But as chief he runs the entire
 16 Schiller Park Police Department?
 17 A Correct.
 18 Q After Lieutenant Schulze was your
 19 supervisor then Lieutenant DeSimone?
 20 A No, it was Lieutenant Fargakis, and then
 21 when he got promoted to chief then it became Joe.
 22 Q What years was it lieutenant -- could
 23 you spell -- say and spell the name again?
 24 A His name is Fargakis, F-a-r-g-a-k-i-s.

1 Q When did Lieutenant Fargakis become your
 2 supervisor?
 3 A Right after Lieutenant Schulze was
 4 promoted. Within a couple of months
 5 Lieutenant Fargakis came in by us, and then I'm
 6 trying to think when he got promoted, but in
 7 2013 -- I think 2017 is when he got promoted.
 8 Q So Lieutenant Fargakis would have been
 9 your supervisor from around 2011 to around 2017?
 10 A Correct.
 11 Q About how many cybercrimes trainings
 12 would you guess that you've done over the years?
 13 A Maybe 20.
 14 Q Do you consider yourself to be an expert
 15 in cybercrimes investigations?
 16 MR. KAPLAN: Object to the term expert.
 17 Go ahead and answer.
 18 THE WITNESS: No.
 19 By Ms. Schwartz:
 20 Q In terms of the structure of the
 21 Schiller Park Police Department, the detective
 22 unit, that's the unit you're within today?
 23 A Correct.
 24 Q Is there any additional subdivisions

1 within the Schiller Park Police Department
 2 detective unit?
 3 A No.
 4 Q So just one big general unit?
 5 A Well, I wouldn't say big, but yeah.
 6 Q How many people are in the detective --
 7 A Four.
 8 Q There are four detectives?
 9 A Yes.
 10 Q Detective Martin, I'd like to discuss
 11 your relationships with the other parties in this
 12 litigation.
 13 First before I go through each of the
 14 parties, just generally speaking have you spoken or
 15 communicated with anybody, parties or otherwise,
 16 about this lawsuit?
 17 A No.
 18 Q You haven't spoken to any of the other
 19 defendants in this case about this litigation?
 20 A No.
 21 Q I want to ask you now about the other
 22 parties in this case.
 23 Do you know who Robert Podlasek is?
 24 A I do.

1 Q How do you know Robert Podlasek?
 2 A He was one of the State's Attorneys that
 3 was assigned to handle this case.
 4 Q Have you ever met Mr. Podlasek in
 5 person?
 6 A Yes.
 7 Q Were your meetings with
 8 Mr. Podlasek related to Miss Melongo's case?
 9 A Yes.
 10 Q Have you ever met Mr. Podlasek outside
 11 of any dealings related to Miss Melongo's case?
 12 A Other than in passing like when I was
 13 handling other cases within his office, I would see
 14 him and just say hello.
 15 Q But Mr. Podlasek was not the ASA
 16 assigned to any other cases --
 17 A No.
 18 Q -- you've worked on?
 19 A No.
 20 Q Have you ever socialized with
 21 Mr. Podlasek outside of a work setting?
 22 A Not that I recall, no.
 23 Q Have you ever sent text messages to
 24 Mr. Podlasek?

1 A I may have during the case. I don't
 2 recall if I did or not.
 3 Q Do you know who Julie Gunnigle is?
 4 A Yes.
 5 Q How do you know Julie Gunnigle?
 6 A I met her I believe one time in regards
 7 to this case where she was I believe one of the
 8 State's Attorneys that was assigned.
 9 Q Apart from that one time you met
 10 Miss Gunnigle, did you have other communications or
 11 interactions with Miss Gunnigle?
 12 A Just in reference to her arranging
 13 meetings with the State's Attorney's Office during
 14 the prosecution. Like we would go have to prep or
 15 something or there was a motion up that we would
 16 need to come down and be available for.
 17 Q Did you have phone calls or emails or
 18 other communications with Miss Gunnigle ever?
 19 A Not that I recall.
 20 Q You testified that you met with
 21 Miss Gunnigle maybe one time.
 22 What do you recall about that meeting
 23 with Miss Gunnigle?
 24 A It was just preparation for whatever was

1 up, whatever motion or hearing. I don't recall
 2 specifically what it was, but that's about the only
 3 time I remember ever talking to her.
 4 Q Do you recall when, what year that would
 5 have been?
 6 A No idea.
 7 Q Do you recall anything about the
 8 substance of that conversation with
 9 Miss Gunnigle?
 10 A No.
 11 Q Do you know who Kate Garcia is?
 12 A I do.
 13 Q How do you know Kate Garcia?
 14 A She is an investigator with the State's
 15 Attorney's Office, I believe. She was actually in
 16 Schiller Park investigating a matter several years
 17 ago and we had -- you know, I'd see her in passing.
 18 I was introduced to her once while she was there,
 19 and I've seen her a few things afterwards at things
 20 and different trainings and within their office.
 21 Q Did you ever work with Kate Garcia on
 22 anything related to Miss Melongo, Carol Spizzirri
 23 or the Save a Life Foundation?
 24 A Not that I recall, no.

1 Q The matter you're referring to in which
 2 Miss Garcia was working with Schiller Park did not
 3 relate to Miss Melongo?
 4 A No.
 5 Q When you met with -- met Kate Garcia,
 6 were you aware that you were both defendants in
 7 this litigation?
 8 A No. I believe it was prior to that.
 9 Q You haven't talked to Miss Garcia about
 10 this litigation?
 11 A No.
 12 Q Have you ever socialized with
 13 Miss Garcia outside of a work setting?
 14 A She and her husband were guests at our
 15 golf outing. They have a child that has some
 16 medical issues, and the FOP raised money for her
 17 and her child actually, and some of those medical
 18 bills to assist the family. So she was at our golf
 19 outing and dinner and stuff that transpired
 20 there.
 21 Q What does FOP stand for?
 22 A Fraternal Order of Police. It's our
 23 labor union.
 24 Q Apart from the golf outing about which

1 you just testified, have you socialized or
 2 interacted with Kate Garcia outside of a work
 3 setting any other time?
 4 A Not that I recall, no.
 5 Q Do you know who James Dillon is?
 6 A No.
 7 Q You never interacted or met with
 8 James Dillon?
 9 A Not that I know of.
 10 Q Do you know who Antonio Rubino is?
 11 A No.
 12 Q You never interacted with
 13 Antonio Rubino?
 14 A Not that I recall, no.
 15 Q Do you know who Richard Lesiak is?
 16 A Nope.
 17 Q Do you know who Randy Roberts is?
 18 A No, I don't think I do.
 19 Q Do you know who Mathew Markos is?
 20 A No.
 21 Q Do you know Kyle French?
 22 A I do.
 23 Q How do you know Kyle French?
 24 A Kyle French was I believe an attorney

1 with the Attorney General's Office in their high
 2 tech crimes bureau.
 3 Q When did you -- have you met
 4 Kyle French?
 5 A Yes.
 6 Q When did you first meet Kyle French?
 7 A I don't recall if I met him prior to
 8 this case. Schiller Park was a member -- actually
 9 Lieutenant Schulze was a member of the Attorney
 10 General's Internet Crimes Against Children Task
 11 Force, and he -- prior -- just prior to me becoming
 12 detective, wanted to get me acclimated with them.
 13 So he would take me to their quarterly meetings,
 14 and I may have met him there before then, but
 15 that's probably would be the only time.
 16 Q The only time prior to working with
 17 Mr. French?
 18 A Yes. If I did, I don't recall if I
 19 specifically met him, but that would have been the
 20 only time if -- I don't recall any personal
 21 interaction with him prior to the -- him coming to
 22 Schiller Park.
 23 Q When did he first come to
 24 Schiller Park?

1 A I believe it was in May of '06.
 2 Q And what was that in relation to, his
 3 trip to Schiller Park?
 4 A In relation to him and his office
 5 offering assistance in this case.
 6 Q When you say this case, what are you
 7 referring to?
 8 A The Annabel Melongo intru -- and the
 9 Save a Life intrusion.
 10 Q How many times have you met in person
 11 with Kyle French?
 12 A Less than a handful. I don't recall the
 13 exact amount.
 14 Q Is the Save a Life intrusion the only
 15 matter, investigation that you worked on with
 16 Kyle French?
 17 A Yes.
 18 Q Do you know who Carol Spizzirri is?
 19 A I do.
 20 Q How do you know Carol Spizzirri?
 21 A She was the president and founder of the
 22 Save a Life Foundation.
 23 Q Have you met Carol Spizzirri in
 24 person?

1 A Yes.
 2 Q When was the first time you met Carol
 3 Spizzirri?
 4 A May 5th when she -- we went to
 5 Save a Life to speak to her in regards to the
 6 report she had made.
 7 Q When you say we, who is we?
 8 A Myself and Lieutenant Schulze.
 9 Q About how many times have you met
 10 Miss Spizzirri in person?
 11 A Several. I couldn't put a number on
 12 it.
 13 Q Have you ever interacted or met with
 14 Carol Spizzirri outside of a work setting?
 15 A No.
 16 Q Have you ever socialized with
 17 Miss Spizzirri, had a drink, gone to an event,
 18 anything like that?
 19 A No.
 20 Q Do you know who Annabel Melongo is?
 21 A I do.
 22 Q How did you first hear about Annabel
 23 Melongo?
 24 A When we went to meet with the people at

1 Save a Life on May 5th.
 2 Q That was the first time, May 5, 2006,
 3 that you heard of Miss Melongo?
 4 A Correct.
 5 Q Have you met Miss Melongo in person?
 6 A I have.
 7 Q How many times have you met Miss Melongo
 8 in person?
 9 A Specifically where I'm having a
 10 discussion with her? Because I've seen her in
 11 person like obviously in court, so as far as
 12 personal interaction with her, I would say just two
 13 that I know of, other than in appearances in
 14 court.
 15 Q So two personal interactions in which
 16 you had some conversation with Miss Melongo and
 17 then also you saw her in court?
 18 A Correct.
 19 Q What were the two instances in which you
 20 had some interaction with Miss Melongo?
 21 A Once at her home and then once at the
 22 police station I believe are the only two.
 23 Q When you saw Miss Melongo in court, did
 24 you ever have any personal communication or

1 executed at Miss Melongo's home?
 2 A Yes.
 3 Q And the fall of 2006 action, you said
 4 that was after Miss Melongo was processed on
 5 charges?
 6 A It was after the arrest warrant was
 7 issued, she came to the police station to be
 8 processed on the original charges.
 9 Q So it was during the time -- around the
 10 time that she was processed?
 11 A Yes.
 12 Q Apart from those instances we just
 13 discussed, the interaction at Miss Melongo's house,
 14 interaction at the police station in the fall of
 15 2006 and court appearances at which you were
 16 present, do you recall meeting Miss Melongo any
 17 other time?
 18 A No.
 19 Q What was your role related to
 20 Miss Melongo's criminal cases?
 21 A I was assigned as the investigating
 22 detective.
 23 Q Who gave you that assignment?
 24 A Lieutenant Schulze.

1 conversations with her then?
 2 A No.
 3 Q Have you ever spoken to Miss Melongo on
 4 the phone?
 5 A I don't recall if I did at all.
 6 Q Have you ever communicated with
 7 Miss Melongo over email or text message, anything
 8 like that?
 9 A Not that I recall, no.
 10 Q The two times that you testified that
 11 you communicated in person with Miss Melongo, once
 12 at her house, once at the police station, what
 13 dates were those two communications?
 14 A I don't know the exact dates of when I
 15 talked to her. I believe at her home was in June
 16 or July of '06 and then later on in the year of '06
 17 when the charges -- after the charges were
 18 approved, she came to the police station to be
 19 processed on the charges.
 20 Q That would have been fall or winter of
 21 2006 as well?
 22 A Fall. It wasn't winter.
 23 Q When you spoke to her at her home, are
 24 you referring to the time when a search warrant was

1 Q Did you have any involvement in the
 2 decision to assign -- to be assigned to that
 3 case?
 4 A No.
 5 Q As the investigating detective, what did
 6 you do related to Miss Melongo's case or the
 7 Save a Life Foundation?
 8 A I would gather the evidence that was
 9 available to me, and then I brought that evidence
 10 to the -- well, with the assistance of Mr. French
 11 and his unit, we were able to take that evidence to
 12 the State's Attorney's Office for review and
 13 eventually approval of the charges.
 14 Q You testified earlier that you first met
 15 Carol Spizzirri on May 5, 2006; is that correct?
 16 A Yes.
 17 Q What do you recall about that meeting on
 18 May 5, 2006 with Carol Spizzirri?
 19 A Just that her and some of her
 20 executives -- I don't recall exactly who, they
 21 provided further insight as to the details that the
 22 initial officer had put into his report, and kind
 23 of clarified some of the documentation that they
 24 provided him as far as how it related to the claims

1 that they were making as to the crime that had been
 2 committed.

3 Q So let's take a step back.

4 What caused you to go meet with
 5 Carol Spizzirri on May 5, 2006?

6 A Well, Save a Life called the police
 7 station, reported that a crime had been committed.
 8 The initial officer responded to the scene, took a
 9 -- the initial report. And then came back to
 10 Schiller Park Police Department and obviously
 11 notified Lieutenant Schulze, who then had me
 12 assigned and then we went to talk to her.

13 Q Who was the initial officer?

14 A I don't recall. I believe it was
 15 Officer Marrazzo, but I don't know for sure.

16 Do you want me to spell it?

17 Q How do you spell Officer Marrazzo?

18 A M-a-r-r-a-z-z-o.

19 Q So Officer Marrazzo or the initial
 20 officer first met with Carol Spizzirri of the
 21 Save a Life Foundation, and then you met with
 22 Carol Spizzirri on a separate, separate occasion;
 23 is that correct?

24 A Yeah. He -- he went there I believe

1 earlier in the day, and then he came back, and
 2 after he had either completed his report or
 3 whatever, he notified Lieutenant Schulze of what
 4 had transpired or what was being alleged. And then
 5 he assigned me and said hey, let's go over there.
 6 But it was the -- I believe it was the same day
 7 even.

8 Q Who was present when you met with Carol
 9 Spizzirri on May 5, 2006?

10 A I don't recall who exactly was there
 11 other than her. There may have been other
 12 executives. I don't recall specifically.

13 Q What did Carol Spizzirri tell you during
 14 that meeting?

15 A Just that they had two servers that had
 16 been accessed -- what they believe to have been
 17 accessed remotely and data was deleted off of those
 18 servers.

19 And then also she believed that someone
 20 had been viewing her personal Save a Life emails,
 21 and then they alleged that one of those -- I
 22 shouldn't say one, but emails had been removed from
 23 that account and transferred to another account.

24 Q Did she tell you why she believed that

1 the two Save a Life servers had been accessed?

2 A Because the data had been deleted.

3 Q Did Carol Spizzirri tell you why she
 4 believed someone had viewed her personal email
 5 account?

6 A She had received an email from another
 7 one of her employees that was able -- part --
 8 included in the body of the message there was -- I
 9 think it said something along the lines that it had
 10 been forwarded to a Yahoo account.

11 Q Did you see that email when you met with
 12 Miss Spizzirri on May 5, 2006?

13 A Yes. I believe she provided us a copy
 14 of it.

15 Q And that email said that an email from
 16 Miss Spizzirri's account had been forwarded to
 17 another account?

18 A No. I believe it had -- at that point
 19 we -- there was what was listed as the FW, which
 20 means forward, and there was forwarded to a Yahoo
 21 account. And then they had a header for a specific
 22 email showing an IP address outside of their
 23 internal network.

24 Q What did that IP address correspond to

1 on the header of the email that you viewed on
 2 May 5, 2006?

3 A I'm not understanding you as far as
 4 corresponding to.

5 Q You testified that there was an email
 6 Miss Spizzirri showed you on May 5, 2006. There
 7 was an IP address shown in the header of the email,
 8 correct? Is that what -- was that your testimony?

9 A One of the -- there was one in the --
 10 one of a couple that was inside this header that
 11 didn't -- was not one of their internal IP
 12 addresses.

13 Q And did that IP address in the header of
 14 the email that you viewed on May 5, 2006, did that
 15 IP address correspond to an email that was
 16 forwarded out of Carol Spizzirri's account?

17 A I'm not understanding correspond. The
 18 header provided us a -- I'm trying to think of the
 19 word -- a path as to the direction or path that
 20 this email took and that the starting point of that
 21 was an IP address that was not one of their
 22 internal ones and not from their web host, I guess,
 23 or email host.

24 Q Did Miss Spizzirri during that meeting

1 on May 5, 2006, did Miss Spizzirri say anything
 2 about who she suspected could have been involved in
 3 the alleged intrusion on Save a Life's systems and
 4 the alleged email forwarding?

5 A Yes.

6 Q What did she say?

7 A They listed I believe in the initial
 8 report that they suspected their ex-IT
 9 administrator has committed these crimes because
 10 in -- the forwarding address was similar to that of
 11 her name.

12 Q When you say the forwarding address was
 13 similar to that of her name, what do you mean?

14 A The forwarding address of the email that
 15 was shown in the header that they saw was forwarded
 16 to a Yahoo email address that was listed, that the
 17 user name or the email account was Melongo -- I
 18 believe it was Melongo_Annabel, so it's similar to
 19 her name.

20 Q Did Carol Spizzirri tell you why -- did
 21 Carol Spizzirri indicate whether she thought
 22 Miss Melongo had anything to do with the alleged
 23 intrusion on Save a Life Foundation's servers?

24 A She believed that she did.

1 Q Did she say why she believed that?

2 A I don't recall if she specifically
 3 stated why.

4 Q Do you recall anything else
 5 Miss Spizzirri said to you during that meeting on
 6 May 5, 2008 -- 2006?

7 A No.

8 Q What did you say to Miss Spizzirri or
 9 any of the other people present at that May 5, 2006
 10 meeting?

11 A I don't recall anything specifically
 12 that I said to them.

13 Q Did Miss Spizzirri or anyone else during
 14 that May 5, 2006 meeting tell you anything about
 15 Miss Melongo?

16 A I don't recall anything specific about
 17 her other than she was their IT administrator.

18 Q Did she tell you anything about her
 19 employment with Save a Life Foundation?

20 A She said that they terminated her. I
 21 believe it was several days prior, like April 27, I
 22 think was the date that they actually had let her
 23 go.

24 Q Did Carol Spizzirri tell you anything

1 else about Miss Melongo's termination?

2 A Not that I recall specifically, no.

3 Q What did you do related to the Save a
 4 Life Foundation investigation after the May 5, 2006
 5 meeting?

6 A I contacted Yahoo to determine how we
 7 may be able to get the information regarding the
 8 usage of the Yahoo account and what information may
 9 have been captured by them. And we had knowledge
 10 of the IP address that was on the email header that
 11 they -- that it was a Comcast IP address. So I
 12 reached out to Comcast in an attempt to figure out
 13 how to get information from them.

14 Q Did you request information from any
 15 other sources?

16 A Not at that specific moment, no.

17 Q When you say not at that specific
 18 moment, what time frame are you referring to?

19 A Within the first couple of days, the
 20 only thing I recall doing was actually talk -- you
 21 know, talking to Yahoo and Comcast, and then
 22 sending preservation letters to them in regards to
 23 saving the account or taking a snapshot of the
 24 account.

1 Q Did you consider whether to preserve any
 2 evidence from Save a Life Foundation?

3 A I think there was a discussion, but I
 4 don't recall when, and I think it was later on in
 5 that month that because of the fact that the --
 6 Save a Life had hired people to attempt to recover
 7 the data, there had been multiple people doing
 8 multiple things and no one could specifically
 9 attest to what exactly they had done, that we
 10 couldn't have a clear chain of custody as to where
 11 the evidence came from. So the decision I believe
 12 was made to not bother with seizing any computers
 13 from them and/or taking any of their computers for
 14 analysis.

15 Q Their computers referring to Save a Life
 16 Foundation's --

17 A Correct.

18 Q -- computers?

19 A Correct.

20 Q Was the same true with respect to
 21 Save a Life Foundation's servers?

22 A Yes.

23 Q You testified that there was some
 24 discussion about whether it made sense to seize or

1 obtain evidence from Save a Life Foundation's
 2 computers and servers.
 3 Who was that discussion with?
 4 A Well, the other only person would have
 5 been Lieutenant Schulze, and then eventually later
 6 on potentially Mr. French.
 7 Q Do you recall conversations with
 8 Lieutenant Schulze and Kyle French about whether to
 9 seize or obtain servers at Save a Life
 10 Foundation?
 11 A Not specific conversations but at the
 12 time Lieutenant Schulze was advising me on how to
 13 proceed.
 14 Q Who made the decision not to seize
 15 evidence from Save a Life Foundation's computers or
 16 servers?
 17 A The servers specifically was myself and
 18 Lieutenant Schulze based upon the chain of custody
 19 issue.
 20 Q And what about the servers, who made
 21 those decisions?
 22 A Those, the servers. The computers, I
 23 don't recall a specific conversation or the reason
 24 why, other than the fact that I think that they --

1 or that Lieutenant Schulze and I decided because
 2 the time that had passed and the chain of custody
 3 issue, we couldn't verify whether or not anybody
 4 had ever tried and attempted to recover anything.
 5 Q Who told you about this chain of custody
 6 issue?
 7 A Lieutenant Schulze.
 8 Q Did you talk to anybody at Save a Life
 9 Foundation or any other outside individual about
 10 the chain of custody issue related to Save a Life
 11 Foundation's computers and servers?
 12 A As far as talk to them, I think we told
 13 them basically the reasoning, but it wasn't a
 14 discussion as to whether or not we would do it or
 15 not.
 16 We would just advise them saying, we're
 17 not going to take your -- we're not going to do
 18 this analysis because of the chain of custody
 19 issue, and explained the chain of custody and what
 20 it means to a case. That would be it.
 21 Q When you say chain of custody, what do
 22 you mean?
 23 A We have -- in a criminal case, we have
 24 to verify what -- where we got the information

1 from, and that it's the best evidence in relation
 2 to being original.
 3 So we can't -- we couldn't say for sure,
 4 well, this person did this and this person
 5 attempted to recover this, and the specific
 6 attempts and/or -- I don't want to say functions,
 7 but what each -- the actions were of each
 8 individual that may or may not have attempted to do
 9 something and what specifically they -- what
 10 evidence they collected.
 11 So if I can't say where a piece of
 12 evidence came from, it's not admissible. So I have
 13 to say it came from this person. This is the best
 14 evidence, and it's original form or as close to the
 15 original form as possible. And I have to keep that
 16 contained and note who may have accessed it up
 17 until the point where it's, you know, in court.
 18 Q So with respect to Save a Life
 19 Foundation computers and servers, you couldn't
 20 state with certainty who had done what actions
 21 prior to your involvement in the investigation; is
 22 that your testimony?
 23 A Correct.
 24 Q So taking a step back in terms of when

1 you first learned about this chain of custody issue
 2 as you called it.
 3 Who first told you that there was an
 4 issue or potential issue related to chain of
 5 custody?
 6 MR. KAPLAN: Objection, asked and answered.
 7 You can answer.
 8 THE WITNESS: Carol Spizzirri I believe showed
 9 us an email that she had received from it was
 10 Don Peters, I think the guy's name is, in regards
 11 to his attempts and his company's attempts, I
 12 should say, to recover data after the intrusion on
 13 the 28th.
 14 By Ms. Schwartz:
 15 Q What about that email from Don Peters
 16 revealed that there may be a chain of custody
 17 issue?
 18 A He specifically states in there that he
 19 could not provide her with any indication -- or any
 20 specific details as to the actions that were taken
 21 by what individuals, and he addressed the chain of
 22 custody issue.
 23 Q Did you ever speak with Don Peters
 24 directly?

1 A Yeah, I believe I did, and then I asked
 2 that he give me a copy of that letter direct from
 3 him and...

4 Q Did he give you a copy of the letter?

5 A Yeah, I believe he faxed it over to us a
 6 couple days later.

7 Q When you spoke to him, what did
 8 Don Peters say?

9 A He was basically sticking to what he had
 10 written to Miss Spizzirri in the sense that he
 11 couldn't say for any certainty as to the -- who
 12 performed what steps in the recovery process and
 13 what information may have been gained by what
 14 individual.

15 Q Did you ask Don Peters any questions
 16 about the state of the servers or the computers at
 17 Save a Life Foundation?

18 A I don't recall any specific questions I
 19 may have asked him.

20 Q Do you recall anything else about the
 21 conversation you had with Don Peters?

22 A No.

23 Q Was there only one conversation you've
 24 ever had with Don Peters?

1 A That I remember, yeah.

2 Q In terms of the claim that someone had
 3 forwarded an email from Miss Spizzirri's email
 4 account to a Yahoo account, what steps did you take
 5 to determine what that email was?

6 A I don't understand what the email was.

7 Q I'll rephrase the question.

8 Did you collect from Carol Spizzirri or
 9 Save a Life Foundation any evidence from a computer
 10 or server specifically about the allegation that an
 11 email had been forwarded from Miss Spizzirri's
 12 email account to a Yahoo account?

13 A We didn't collect any evidence as far as
 14 computer evidence. Like we didn't take any of
 15 their computers for analysis.

16 Q That was true with respect to the email
 17 claim --

18 A Correct.

19 Q -- allegation as well?

20 A Correct.

21 Q Why didn't you take any evidence related
 22 to the computers with respect to the email?

23 A I believe it was because of the same
 24 thing, that the computer evidence or Don Peters',

1 his statement of chain of custody and the
 2 discussion I had with Lieutenant Schulze, and
 3 that's all I can remember at this...

4 Q Did you ever ask Carol Spizzirri to view
 5 her email interface, her sent folder, anything like
 6 that?

7 A I specifically did not, no. Not that I
 8 recall at least.

9 Q It's your testimony that Carol Spizzirri
 10 was the first person to identify Miss Melongo as
 11 being a suspect in the alleged intrusion and
 12 alleged email forwarding?

13 MS. NINFO: Objection, it misstates his
 14 testimony.

15 THE WITNESS: I don't recall if it was her
 16 specifically, but within the meeting there was --
 17 you know, at least Miss Spizzirri and a couple
 18 others from Save a Life. So I don't specifically
 19 know if it was her that gave us the name or if it
 20 was one of the other people there.

21 By Ms. Schwartz:

22 Q But it was someone from Save a Life
 23 Foundation?

24 A Correct.

1 Q Who did you work with on the Save a Life
 2 Foundation investigation?

3 A Lieutenant Schulze, Kyle French, I think
 4 that's it, as far as the investigation.
 5 Detective Henn did send a preservation letter.

6 Q Is Detective Henn one of your
 7 colleagues?

8 A He was at the time, yes.

9 Q Anyone else?

10 A Not that I recall, no.

11 Q What was Kyle French's role in the Save
 12 a Life Foundation matter?

13 A He and his office provided support in
 14 regards to the computer evidence and the forensics
 15 that were done.

16 Q How did Kyle French get involved in the
 17 Save a Life Foundation investigation?

18 A I don't recall --

19 MR. KAPLAN: How did Kyle French did you say?
 20 Could you read back the question I just missed
 21 it.

22 By Ms. Schwartz:

23 Q How did you Kyle French get involved in
 24 the Save a Life Foundation investigation?

1 A I don't recall specifically how he
 2 became involved. I just know that he was assigned
 3 by the Attorney General's Office to help.

4 Q Do you know how the Attorney General's
 5 Office got involved in the Save a Life Foundation
 6 investigation?

7 A Not -- I don't off the top of my head,
 8 no.

9 Q You testified earlier that you first met
 10 with Kyle French in May of 2006 about the
 11 Save a Life Foundation?

12 A Correct.

13 Q What do you recall about that meeting
 14 with Kyle French?

15 A Just that he had been assigned to help
 16 us in any way. He had previously had knowledge of
 17 the incident as far as some of the providers,
 18 internet service providers that may -- that were
 19 involved or may have potentially have evidence, and
 20 he sent out some preservation letters on our
 21 behalf.

22 Q Did you describe to him the allegations
 23 you were investigating during that May 2006
 24 meeting?

1 A I'm sure I did, but I don't recall
 2 specifically what was said. I know that, you know,
 3 we would have discussed some of the stuff that we
 4 had been provided from Save a Life and potentially
 5 the course of the investigation, a guide as to how
 6 to proceed further.

7 Q Did you provide Kyle French with any of
 8 the emails or other documents related to the
 9 investigation?

10 A I don't specifically -- I don't know
 11 specifically I gave him a copy of them, but I would
 12 show him some of the -- you know, what we had had
 13 or would have been provided at that point.

14 Q What was the division of labor between
 15 you and Kyle French in working on the Save a Life
 16 Foundation matter?

17 A Can you describe division of labor?

18 Q Was one of the lead or?

19 A He was assigned just to assist me and
 20 clarify some of the terminology potentially that we
 21 may need to use in regards to the preservation
 22 order or to eventually later on the search warrant.
 23 You know, the language that needed to be put in to
 24 there to get the proper results back.

1 Q When you say the search warrant, what
 2 search warrant are you referring to?

3 A The search warrant for Yahoo and
 4 eventually later on he helped provide assistance in
 5 getting the approval of the search warrant for
 6 Miss Melongo's home.

7 Q Did you consider yourself the lead
 8 investigator with respect to the Save a Life
 9 Foundation investigation?

10 A Yes. It was a Schiller Park case, so it
 11 would be ours to handle.

12 Q Do you recall anything else about your
 13 first meeting with Kyle French?

14 A No.

15 Q I'm handing Detective Martin Plaintiff's
 16 Deposition Exhibit 1, Bates numbered CCSAO 000546
 17 to 547.

18 (A document was marked Plaintiff's
 19 Deposition Exhibit Martin No. 1
 20 for identification.)

21 By Ms. Schwartz:

22 Q Do you recognize Exhibit 1,
 23 Detective Martin?

24 A Yes, I do.

1 Q What is Exhibit 1?

2 A It is the initial report completed by
 3 Officer Marrazzo.

4 Q Does this refresh your recollection as
 5 to who the initial officer was on the case?

6 A It does.

7 Q And that's Officer Marrazzo?

8 A Correct.

9 Q Is that his signature down at the bottom
 10 left?

11 A It is.

12 Q And had you reviewed this report prior
 13 to today?

14 A Yes.

15 Q Is it a true and accurate copy of the
 16 May 5, 2006 police report?

17 A It appears to be, yes.

18 Q If you turn to the second page of
 19 Exhibit 1, it says R/O was dispatched to
 20 9950 Lawrence Avenue, Suite 300, for a report of
 21 computer tampering. Upon arrival R/O spoke to the
 22 reverse listed complainant/victim/company president
 23 Carol J. Spizzirri who stated the following in
 24 summary but not verbatim.

1 Is RO Officer Marrazzo?
 2 A Correct. RO stands for responding
 3 officer.
 4 Q Were you present when Officer Marrozza
 5 was dispatched to 9950 Lawrence Avenue on May 5,
 6 2006?
 7 A I was working that day, but I was not at
 8 9950 Lawrence when he took this report.
 9 Q Is this the initial meeting that you
 10 testified about earlier between Carol Spizzirri and
 11 an officer with Schiller Park Police Department?
 12 A Yes.
 13 Q And is 9950 Lawrence Avenue, Suite 300,
 14 Save a Life Foundation's offices?
 15 A It was, yes.
 16 Q And I believe you testified earlier that
 17 the reason Officer Marrazzo was dispatched to
 18 Save a Life Foundation offices was the result of a
 19 9 -- a call to the Schiller Park Police Department;
 20 is that correct?
 21 A Yes.
 22 Q Do you know who made that call to the
 23 Schiller Park Police Department?
 24 A I do not.

1 Q To your knowledge was this meeting
 2 involving Officer Marrazzo and Carol Spizzirri the
 3 first in-person contact between someone from
 4 Schiller Park Police and Carol Spizzirri?
 5 A I'm sorry, can you repeat the question?
 6 Q To your knowledge was the May 5, 2006
 7 meeting between Officer Marrazzo and Carol
 8 Spizzirri the first interaction between
 9 Miss Spizzirri and the Schiller Park Police?
 10 MR. KAPLAN: Objection, calls for speculation.
 11 Answer.
 12 THE WITNESS: Typ -- I don't know if this is
 13 the first call that Carol ever made to
 14 Schiller Park in reference to needing a call for
 15 service, but in reference to this case, yes, I
 16 believe it is.
 17 By Ms. Schwartz:
 18 Q Exhibit 1 states that Miss Spizzirri
 19 made a statement to Officer Marrazzo and outlines a
 20 summary of the statement.
 21 To your knowledge is there any other
 22 written documentation of the statement
 23 Miss Spizzirri made to Officer Marrazzo?
 24 A No.

1 Q She didn't sign a version of the
 2 statement somewhere else?
 3 A No, not that I know of.
 4 Q Did Officer Marrazzo tell you anything
 5 about the meeting with Carol Spizzirri on May 5,
 6 2006 after it took place?
 7 A I don't know if he specifically talked
 8 to me, but he obviously talked to the lieutenant in
 9 regards to assigning this case.
 10 Q Did you read this report, Exhibit 1,
 11 prior to your first meeting with Carol Spizzirri on
 12 May 5, 2006?
 13 A I don't recall if I read it prior to the
 14 meeting, but I would have read it at some point,
 15 either prior to or at the meeting itself.
 16 Q I would like to walk through some of the
 17 content of Exhibit 1.
 18 Again, we're on the second page of
 19 Exhibit 1, the third line, about halfway through it
 20 it states, on Thursday, 27 April '06, Spizzirri,
 21 president and founder of Save a Life Foundation,
 22 fired the above-listed employee/suspect Annabel
 23 Melongo for performance and attitude problems.
 24 Were you ever told about this statement

1 Miss Spizzirri made that Miss Melongo was
 2 terminated for performance and attitude problems?
 3 A I may have been, but I don't
 4 specifically recall, you know, if I heard that from
 5 her, from Miss Spizzirri.
 6 Q Do you have any recollection of
 7 Miss Spizzirri ever telling you about the reasons
 8 for Miss Melongo's termination?
 9 A I'm -- I'm sure she did at some point,
 10 but as far as specific statement, I don't recall
 11 what she may have said or when it took place.
 12 Q If you continue to the next paragraph on
 13 Exhibit 1, second page it states, on Friday, 28
 14 April '06 Spizzirri -- strike that. I'll read a
 15 different portion.
 16 We are on Exhibit 1, second page, the
 17 second paragraph. It says, on Friday, 28 April '06
 18 between the hours of 0100 to 0300 an unknown
 19 offender hacked into the computer server for SALF
 20 and deleted all of the files in the server,
 21 including financial records and account numbers.
 22 The offender then entered Spizzirri's personal
 23 email account, pulled out two emails, sent them to
 24 a Yahoo.com email address and responded to them

1 from said address.

2 Where did that information in the
3 passage that I just read come from?

4 MR. KAPLAN: Objection, calls for
5 speculation.

6 THE WITNESS: To be honest, I don't know.

7 By Ms. Schwartz:

8 Q Isn't it true that Miss Spizzirri
9 alleged that her emails were forwarded on May 1,
10 2006 not April 28, 2006 as it states here?

11 A Yes. We determined that by the email
12 that was provided to us, the copy of the email that
13 was provided to us.

14 Q That the email was sent on May 1,
15 2006?

16 A Sent on May 1st, yes, the alleged
17 email.

18 Q So does this Exhibit 1 contain an error
19 with respect to the date?

20 MR. WUNDER: I'm going to object, calls for
21 speculation.

22 THE WITNESS: Yeah, I believe so.

23 By Ms. Schwartz:

24 Q Did you consider that, that error

1 A Confirm as in the 90 percent?

2 Q As in the 90 percent figure.

3 A The only -- I believe the only
4 information we were ever provided was Mr. Peters'
5 report had said a number of files, but I don't
6 believe there was a percentage.

7 Q Turning to the next paragraph of
8 Exhibit 1, second page, it states, Spizzirri stated
9 she believes Melongo is a flight risk due to the
10 fact that she is not a U.S. citizen.

11 Did Miss Spizzirri ever say anything to
12 you about Miss Melongo being a flight risk?

13 A Not that I recall specifically, no.

14 Q Did Miss Spizzirri ever say anything to
15 you about Miss Melongo not being a United States
16 citizen?

17 A Not that I recall.

18 Q Did you know when you were working on
19 this investigation, Save a Life Foundation
20 investigation, that Miss Melongo was not a
21 U.S. citizen?

22 A Not until she was being processed, and I
23 don't recall exactly how it came out, but she
24 stated that she was a Camaroon national. And I

1 potentially significant in terms of your
2 investigation?

3 MR. KAPLAN: Objection, calls for speculation
4 and it assumes facts not in evidence that he even
5 considered the error at that time or that there was
6 an error at that time.

7 THE WITNESS: We typically get reports that
8 have errors in them, so it wouldn't have changed my
9 opinion of how the case would proceed.

10 By Ms. Schwartz:

11 Q If you continue down a little farther on
12 Exhibit 1, down to the fifth paragraph it states,
13 three separate firms have been hired by
14 Miss -- by Spizzirri to attempt to retrieve the
15 lost files. As of the time of this report SALF has
16 recovered 90 percent of the files.

17 Do you know where that information that
18 I just quoted came from?

19 A I'm assuming based on what's written
20 here is that the officer got that information from
21 Miss Spizzirri.

22 Q Did you ever confirm the amount of
23 information that the Save a Life Foundation was
24 able to recover from the servers?

1 don't recall how I did it, but I remember having to
2 contact Department of Justice or somebody to advise
3 her of certain detainee rights. And I talked to
4 somebody, I think it was at the DOJ, that said you
5 need to have her fill out this form or whatever.
6 Prior to that, no.

7 Q So as of the time of this report,
8 Exhibit 1, someone from the Save a Life Foundation
9 had identified Miss Melongo as a potential suspect
10 with respect to the alleged intrusion and alleged
11 email forwarding; is that correct?

12 A Correct.

13 Q No investigation had been done by
14 Schiller Park Police Department at the time this
15 report was created, Exhibit 1?

16 A Correct.

17 MR. KAPLAN: Can we take two minutes?

18 MS. SCHWARTZ: Of course.

19 MR. KAPLAN: Is now a good time?

20 MS. SCHWARTZ: Now is a great time. Why don't
21 we take five minutes.

22 (A recess was taken.)

23 By Ms. Schwartz:

24 Q Detective Martin, Miss Melongo was

1 alleged to have deleted financial and accounting
 2 files from Save a Life Foundation networks; is that
 3 correct?

4 A That was what was alleged in the initial
 5 report, yes.

6 Q Was that one of the allegations that you
 7 investigated while you worked on the case?

8 A Yes.

9 Q Were you aware that Miss Melongo did not
 10 have access to Save a Life Foundation's accounting
 11 files as the IT administrator?

12 MR. WUNDER: Objection, calls for speculation,
 13 assumes facts not in evidence.

14 THE WITNESS: There was a -- I think
 15 Miss Melongo stated that she did not possess
 16 access.

17 By Ms. Schwartz:

18 Q Did you ever investigate that particular
 19 statement?

20 A Not, not specifically that I remember,
 21 no.

22 Q I'm handing Detective Martin Plaintiff's
 23 Deposition Exhibit 2, identified as Spizzirri
 24 000001099 to 1100.

1 (A document was marked Plaintiff's
 2 Deposition Exhibit Martin No. 2
 3 for identification.)

4 By Ms. Schwartz:

5 Q Have you seen Exhibit 2 before?

6 MR. KAPLAN: Look at it.

7 THE WITNESS: No. I don't think I have.

8 By Ms. Schwartz:

9 Q I'll represent to you, Detective Martin,
 10 that this is an email dated April 12, 2006 from
 11 amelongo@salf.org to someone named Bruce Nawara,
 12 who is Save a Life Foundation's accountant. In the
 13 email she, Miss Melongo, asks Mr. Nawara for
 14 information about accounting data.

15 Were you aware that Miss Melongo had to
 16 request information about accounting data because
 17 she did not herself have an access to that from
 18 Save a Life Foundation?

19 A No. Other than her statement to me,
 20 no.

21 Q I'm handing Detective Martin Plaintiff's
 22 Deposition Exhibit 3, Bates numbered Melongo_005215
 23 to 5223.

1 (A document was marked Plaintiff's
 2 Deposition Exhibit Martin No. 3
 3 for identification.)

4 By Ms. Schwartz:

5 Q Is Exhibit 3 a true and accurate copy of
 6 a police report that you drafted dated at the
 7 bottom October 30, 2006?

8 MR. KAPLAN: Julia, I would just ask to maybe
 9 change the question to does it appear to be,
 10 because he would have to look at every single word
 11 to know if it's exactly the one that he seems to
 12 have reviewed.

13 By Ms. Schwartz:

14 Q Does this appear to be an accurate --
 15 true and accurate copy of the police report you
 16 crafted --

17 A Yes.

18 Q -- drafted?

19 You have no reason to believe anything
 20 has been altered?

21 A No.

22 Q And that's your signature at the bottom
 23 of each page?

24 A Yes.

1 Q Did you draft the narrative portions of
 2 Exhibit 3?

3 A Yes.

4 Q Does Exhibit 3 document the steps you
 5 took to investigate the Save a Life Foundation
 6 allegations?

7 A Yes.

8 Q Were all significant aspects of your
 9 investigation described in this report?

10 A Yes.

11 Q Was that the standard practice for
 12 Schiller Park Police Department to include
 13 important details of an investigation in a police
 14 report?

15 A Yes.

16 Q Did -- does this report, Exhibit 3,
 17 describe all the key evidence that you gathered as
 18 part of your investigation?

19 A Describe or -- can you just clarify what
 20 you mean by describe the evidence?

21 Q Does Exhibit 3 include a general
 22 description of the evidence that you gathered and
 23 reviewed as part of your investigation?

24 A Yes.

1 Q And if you had an important piece of
 2 evidence, would you note that in this police
 3 report?
 4 A Yes.
 5 Q We've already discussed this a bit, but
 6 it's correct -- is it correct that one allegation
 7 you were investigating was that someone had
 8 accessed the Save a Life Foundation's servers
 9 without authorization and destroyed data and files
 10 on April 28, 2006?
 11 A Yes.
 12 Q And is it correct that another
 13 allegation you were investigating was that someone
 14 had accessed Miss Spizzirri's email account without
 15 authorization and forwarded an email on
 16 May 1, 2006?
 17 A Yes.
 18 Q You testified earlier that you did not
 19 make copies of any Save a Life Foundation computers
 20 or servers; is that accurate?
 21 A Copies? Do you want to clarify what you
 22 mean by copies?
 23 Q Did you yourself or did you instruct
 24 anyone to make copies of the hard drives of any

1 Save a Life Foundation computers?
 2 A No, I did not.
 3 Q Did you yourself or did you ask anyone
 4 to make copies of the contents of any of
 5 Save a Life Foundation's servers?
 6 A No.
 7 Q Wouldn't it have been standard procedure
 8 to make copies of Save a Life Foundation servers
 9 and computers at the beginning of the
 10 investigation?
 11 A Standard procedure, can you clarify what
 12 you mean by standard procedure?
 13 Q Wouldn't it have been important for
 14 purposes of evidence preservation to make copies of
 15 Save a Life Foundation computers and servers at the
 16 beginning of the investigation?
 17 MR. KAPLAN: Can you read back the question,
 18 ma'am?
 19 (The record was read.)
 20 MR. KAPLAN: I just object to the form of the
 21 question.
 22 Go ahead and answer it.
 23 THE WITNESS: Are you -- in reference to this
 24 investigation specifically or in general to a

1 computer investigation?
 2 By Ms. Schwartz:
 3 Q Let's start with this investigation
 4 specifically?
 5 A Potentially, depending upon what
 6 steps -- if no attempts had been made to recover
 7 those devices, specifically the servers.
 8 Q If no attempts had been made to recover,
 9 to recover the devices, then it would make -- it
 10 would be standard procedure to have copies made of
 11 servers and computers for preservation purposes?
 12 MR. KAPLAN: Same objection.
 13 THE WITNESS: In this case specifically that
 14 would have been an option, yes.
 15 By Ms. Schwartz:
 16 Q But because attempts had been made to
 17 recover evidence, you opted not to preserve
 18 evidence from Save a Life Foundation servers and
 19 computers, correct?
 20 A The attempts to recover the data on the
 21 servers, yes.
 22 Q And then generally speaking for a
 23 general case where there was an allegation of
 24 intrusion, would you generally as a standard

1 practice make copies of the affected servers or
 2 computers?
 3 MR. KAPLAN: Objection, asked and answered.
 4 THE WITNESS: We have done that in the past,
 5 yes, and then there were times that we didn't.
 6 By Ms. Schwartz:
 7 Q So it is case specific?
 8 A Yes.
 9 Q So continuing with Exhibit 3, look to
 10 the May 5, 2006 entry, it states, R/I received
 11 copies of the emails that had been sent to and from
 12 Carol Spizzirri's email account. The headers on
 13 the emails showed that the offender had forwarded
 14 the suspected emails from Miss Spizzirri's account
 15 to the Yahoo email account of
 16 melongo_annabel@yahoo.com.
 17 R/I, does that refer to you?
 18 A Yes. It stands for reporting
 19 investigator.
 20 Q And it states that you received copies
 21 of emails that had been sent to and from
 22 Miss Spizzirri's email account.
 23 Who gave you copies of those emails?
 24 A I don't recall specifically. It would

1 have been the people at -- who were at the
 2 meeting.
 3 Q At the May 5, 2006 meeting at
 4 Save a Life?
 5 A Yes.
 6 Q And Carol Spizzirri was one of the
 7 participants at that meeting?
 8 A Yes.
 9 Q When you received copies of emails from
 10 someone at Save a Life Foundation, did you do
 11 anything to verify that the copies you received had
 12 not been altered in any way from the original
 13 emails?
 14 A I did not do anything specifically, no.
 15 Q What specifically were the emails that
 16 you received on May 5, 2006? Could you describe
 17 them to me?
 18 A I don't recall exactly what they said.
 19 There was some discussion about Annabel attempting
 20 to make contact with individuals at Save a Life
 21 offering her assistance to fix the computer
 22 problems that she was aware of. And they were I
 23 believe questioning why she was calling -- or
 24 believed that the reason that she was calling was

1 because she had somehow been involved in deleting
 2 the data from the servers.
 3 Q What you just described is the con --
 4 what you recall from the content of the emails you
 5 received on May 5, 2006; is that accurate?
 6 A That's what I remember. I don't recall
 7 specifically what they said, but that's what I
 8 remember about them.
 9 Q I'm handing you Plaintiff's Deposition
 10 Exhibit 4, CCSAO 000209 to 212.
 11 (A document was marked Plaintiff's
 12 Deposition Exhibit Martin No. 4
 13 for identification.)
 14 By Ms. Schwartz:
 15 Q Have you seen this email before,
 16 Detective Martin?
 17 A I don't believe I specifically saw this
 18 entire email. I've seen portions of it.
 19 Q This is not one of the emails you
 20 received from Save a Life Foundation on May 5,
 21 2006?
 22 A I don't believe so, no.
 23 Q I'm handing you Plaintiff's Deposition
 24 Exhibit 5, CCSAO 003415.

1 (A document was marked Plaintiff's
 2 Deposition Exhibit Martin No. 5
 3 for identification.)
 4 By Ms. Schwartz:
 5 Q Have you seen Exhibit 5 before today,
 6 Detective Martin?
 7 A Portions of it, yes. I don't believe
 8 this is the one that was provided to us on
 9 May 5th.
 10 Q In terms of the content of this email,
 11 Exhibit 5, was any of this content what
 12 Miss Spizzirri alleged was forwarded out of her
 13 email account to Miss Melongo's Yahoo account?
 14 A I believe so, yes.
 15 Q Which portion of this email, could you
 16 describe it, or is it all of this email?
 17 A The body it appears -- if I remember
 18 correctly, the body of this email is what was
 19 alleged to have been forwarded.
 20 Q So let's walk through this. The
 21 first -- if you look at the top portion, it appears
 22 to be an email from Annabel Melongo to a number of
 23 different recipients. Carol Spizzirri's email
 24 account is not listed on there. The subject line

1 is how far are you going to go, Carol. And it
 2 says, hey Carol, I've received this email forwarded
 3 to me and I can't imagine what a pathological liar
 4 you are.
 5 Is that an email that was forwarded from
 6 Miss Spizzirri's account to Annabel Melongo's
 7 account?
 8 A I don't know if it was this specific
 9 email, but I believe the text that is written here
 10 was contained in what Miss Spizzirri alleged was
 11 forwarded out of her account.
 12 MR. KAPLAN: Which text are you referring to?
 13 THE WITNESS: The bottom portion where it says
 14 from Carol on down to the last line, t-k-s much for
 15 your follow through - we are so behind it hurts.
 16 By Ms. Schwartz:
 17 Q The portion that you -- that was alleged
 18 to have been forwarded from Carol Spizzirri's
 19 account to Miss Melongo's account, referring again
 20 to Exhibit 5, is the bottom half of Exhibit 5, and
 21 it appears to say from Carol Spizzirri, subject Re:
 22 downed system, and the first text is think we found
 23 who.
 24 Is that the email that you were

1 referring to?

2 A Yes. I believe that portion is what

3 Miss Spizzirri was alleged to have been sent from

4 her account or removed from her account.

5 Q And in this version, Exhibit 5, there is

6 no to line in that portion on the bottom half of

7 Exhibit 5, correct?

8 A In this text, no, there is no to, other

9 than at the top.

10 Q Looking at the text of that email that I

11 just referenced on Exhibit 5, Think we found who.

12 Annabel called X4 and stopped in three, left

13 message on my cell offering to fix our problem.

14 Was it your understanding that Carol

15 Spizzirri wrote those words?

16 A I have no idea who wrote them. It

17 appears that it was sent from Carol's account, but

18 I have no idea who wrote them.

19 Q Did you ever ask her?

20 A I don't recall asking her.

21 Q In that email that I just read that

22 appears to have been sent from Carol Spizzirri's

23 email account, it appears that Miss Spizzirri was

24 asserting that Miss Melongo was responsible for the

1 it.

2 Q Did Miss Spizzirri ever provide you with

3 an electronic version of any email that was

4 allegedly forwarded from her account to

5 Miss Melongo's account without her authorization?

6 A Not that I recall.

7 Q Turning back to Exhibit 4. At the top

8 left it says Shontay Grant.

9 Do you know who Shontay Grant is?

10 A No, I do not.

11 Q I would like to turn your attention back

12 to Exhibit 3, your police report dated October 30,

13 2006.

14 If you turn your attention to the entry

15 dated May 15, 2006, it states, R/I spoke with

16 Comcast Cable Services legal department about how

17 to obtain the necessary account information related

18 to the IP address that was found in the header of

19 the emails that were forwarded to the Yahoo account

20 in question and was assigned to the offender's

21 computer at the time of the intrusion to

22 Save a Life's computer.

23 The information you were seeking from

24 Comcast related to an IP address found in the

1 intrusion to Save a Life Foundation networks on

2 April 28, 2006, doesn't it?

3 A I have no idea. It just says that to

4 fix our problem. It doesn't say anything as to

5 what that problem was.

6 Q Did Miss Spizzirri ever tell you that

7 she thought Miss Melongo had something to do with

8 the intrusion on Save a Life system because she had

9 offered to help fix those problems?

10 A I don't recall her specifically saying

11 that, no.

12 Q Do you recall Miss Spizzirri telling you

13 why she thought Miss Melongo was responsible for

14 the intrusion on April 28, 2006?

15 A I don't recall her specifically saying,

16 no.

17 Q Did Carol Spizzirri ever tell you that

18 the person who forwarded the email we've just been

19 discussing, the bottom half of Exhibit 5 that

20 starts, think we found who, did Carol Spizzirri

21 ever tell you that she thought Miss Melongo had

22 forwarded that email from her account to

23 Miss Melongo's Yahoo account?

24 A I don't know if she specifically said

1 header of emails forwarded to Miss Melongo's Yahoo

2 account; is that correct?

3 A It was the IP address listed in the

4 header in regards to the Yahoo account that was

5 also listed in the header. I don't specifically

6 know that it was hers.

7 Q You don't specifically know if it was

8 Miss Melongo's?

9 A Correct.

10 Q And IP address stands for internet

11 protocol address; is that correct?

12 A Correct.

13 Q And doesn't an IP address correspond to

14 a physical location where a computer is used?

15 A Potentially.

16 Q What do you mean when you say

17 potentially?

18 A The IP address is assigned to a specific

19 device. It's not necessarily, my understanding,

20 relative to a location, but more to a device.

21 Q So there was a particular IP address

22 that was a focus of your investigation; is that

23 correct?

24 A One, yes.

1 Q Was it IP 24.15.202.102?
 2 A Can you repeat it one more time?
 3 Q 24.15.202.102?
 4 A Yes.
 5 Q For simplicity I'll refer to that IP
 6 address in shorthand as the 102 address; is that --
 7 A Okay.
 8 Q -- okay with you?
 9 You testified that the 102 address was
 10 first discovered because it was in an email header
 11 that you received from the Save a Life
 12 Foundation?
 13 A It was one of the ones that were listed
 14 in the header, yes.
 15 Q Did the Save a Life Foundation employee
 16 who gave you that email address with the header
 17 containing the 102 address say anything about that
 18 IP address?
 19 A Not that I recall.
 20 Q Why did that IP address become a focus
 21 of your investigation?
 22 A Based on its placement or position
 23 within the email header, it appeared to be the
 24 originating IP.

1 Q Originating IP of what?
 2 A The transmission of the email in
 3 question.
 4 Q I would like to direct -- I'm handing
 5 Detective Martin Plaintiff's Deposition Exhibit 6,
 6 Martin0012 to 14.
 7 (A document was marked Plaintiff's
 8 Deposition Exhibit Martin No. 6
 9 for identification.)
 10 By Ms. Schwartz:
 11 Q Do you recognize Exhibit 6?
 12 A Yes.
 13 Q Is Exhibit 6 one of the emails that you
 14 received from Save a Life Foundation on or around
 15 May 5, 2006?
 16 A I believe this is one of them, yes.
 17 Q I turn your attention to the second
 18 page, it says ps -- at the top, ps, following is
 19 the entire email with all headers and raw code, and
 20 then below it is a bunch of information that
 21 appears to be from an email header.
 22 Q Is this the header that you were
 23 referring to when you said there was an IP address
 24 located on an email header that you received from

1 Save a Life Foundation?
 2 A Yes, I believe this is the copy that we
 3 received.
 4 Q This appears to be an email from
 5 Christian Sass to Carol Spizzirri dated May 1, 2006
 6 at 11:31 p.m. I'm referring to the first page --
 7 MR. KAPLAN: Are we on the first page?
 8 By Ms. Schwartz:
 9 Q -- of Exhibit 6.
 10 MR. KAPLAN: This top one.
 11 THE WITNESS: Yes. It was -- the email itself
 12 appears it was sent to a number of individuals, one
 13 of which is Dave Stolerow, sent Monday, May 1st at
 14 11:31 p.m.
 15 By Ms. Schwartz:
 16 Q Who is Christian Sass?
 17 A I believe he was the IT administrator
 18 that replaced Miss Melongo at Save a Life.
 19 Q Did you ever speak to Christian Sass?
 20 A I don't recall.
 21 Q So it's this -- from your review of this
 22 email, Exhibit 6, was it Christian Sass who wrote
 23 ps, following is the entire email with all headers
 24 and raw code on the second page of Exhibit 6?

1 A It appears to be based on the body of
 2 what's kind of copied in here.
 3 Q Let's walk through this email with
 4 headers and raw code as it's referred to in
 5 Exhibit 6.
 6 If you go about halfway down the second
 7 page of Exhibit 6, you see that IP address we've
 8 been discussing, the 102 address. It says
 9 received: from and then 24.15.202.102.
 10 Q Is that the IP address in the header of
 11 the email that you testified about earlier?
 12 A Yes.
 13 Q Below that IP address, the 102 address
 14 on Exhibit 6, the date is Monday, May 1, 2006, from
 15 Melongo Annabel with email melongo_annabel.com, and
 16 then the subject line is how far are you going to
 17 go, Carol.
 18 Q So this email Exhibit 6 shows metadata
 19 related to the sender of the email with subject how
 20 far are you going to go, Carol; is that correct?
 21 A Yes.
 22 Q And that's the email that says in the
 23 body, hey Carol, I've received this email forwarded
 24 to me and I can't imagine what a pathological liar

1 you are; is that correct?
 2 A I'm sorry, can you repeat the question?
 3 Q That IP address we've been discussing on
 4 Exhibit 6, the 102 address, --
 5 A Uh-huh.
 6 Q -- it says received from. The 102
 7 address, does that correspond to the sender of the
 8 email with the body hey, Carol, I've received this
 9 email forwarded to me and I can't imagine what a
 10 pathological liar you are.
 11 A In relation to the text that's here,
 12 yes.
 13 Q The email with subject line how far are
 14 you going to go, Carol that starts hey, Carol, is
 15 not an email that was forwarded from Carol
 16 Spizzirri's account to Miss Melongo's account, was
 17 it?
 18 A It doesn't appear to be based upon this
 19 header, no.
 20 Q And this header on Exhibit 6 does not
 21 show the IP address of the sender of any email from
 22 Carol Spizzirri's account to Miss Melongo's Yahoo
 23 account; is that correct?
 24 A I'm sorry, say it one more time.

1 MS. SCHWARTZ: Could you read back the
 2 question.
 3 (The record was read.)
 4 THE WITNESS: I don't know to be honest with
 5 you. It doesn't -- without knowing -- having the
 6 exact -- what's the word I'm trying to use?
 7 This -- the data that is contained here
 8 is cut and pasted from somewhere else obviously.
 9 According to Mr. Sass this is the email that he
 10 received or the content of the email that he
 11 received.
 12 By Ms. Schwartz:
 13 Q Did you ask where the data in Exhibit 6
 14 was cut and pasted from?
 15 A No, I did not.
 16 Q Did you ever see that IP address, the
 17 102 address listed in an email from Carol
 18 Spizzirri's account to Miss Melongo's Yahoo
 19 account?
 20 A Not in a specific email that I know
 21 of.
 22 Q It was assumed that this 102 address was
 23 also used by the person who forwarded an email from
 24 Miss Spizzirri's account to Annabel Melongo's

1 account; is that correct?
 2 A I have no specific knowledge of who may
 3 assume that.
 4 Q Did you ever assume that?
 5 A We had information I believe that from
 6 Web HSP in regards to their server log or their
 7 access logs that showed that there were emails with
 8 that 24 address or 102 address sending emails, but
 9 I didn't see the specific email or the body of the
 10 emails that were sent.
 11 Q So it was information from Web HSP that
 12 caused you to think that the 102 address was used
 13 to send an email from Carol Spizzirri's account to
 14 Annabel Melongo's account?
 15 A Yes.
 16 Q And what was that information from
 17 Web HSP specifically?
 18 A I believe it was their -- their IT or
 19 their Technical Support person sending an email to
 20 Carol listing search results for that specific IP,
 21 and within the results showing that specific IP and
 22 the direction of the emails as far as, you know,
 23 whether it was incoming or outgoing.
 24 Q I'm showing Detective Martin Plaintiff's

1 Deposition Exhibit 7, CCSAO 000002 through 5.
 2 (A document was marked Plaintiff's
 3 Deposition Exhibit Martin No. 7
 4 for identification.)
 5 By Ms. Schwartz:
 6 Q Is Exhibit 7 the email you were just
 7 referring to from Technical Support?
 8 A Yes. I don't recall if this was exactly
 9 what was provided to us, but some of the
 10 information contained in here I do remember
 11 seeing.
 12 Q So this is a print-out of an email from
 13 tsupport@gmail.com to Carol Spizzirri dated May 4,
 14 2006 at 9:41 p.m.?
 15 A Correct.
 16 Q And the substance of this email, the
 17 content, is that the content on which you relied
 18 from Technical Support to determine that the 102
 19 address was potentially used by the person that
 20 forwarded the email from Miss Spizzirri's
 21 account?
 22 A Yes, that's one of the things we used.
 23 Q What is tsupport@gmail.com?
 24 A From what I remember -- well, it's an

1 email address. From what I remember it belongs to
 2 the Technical Support at Web HSP, which is the
 3 email host for Save a Life Foundation.

4 Q Web HSP was Save a Life Foundation's
 5 email host in 2006?

6 A Yes.

7 Q It doesn't say anything about Web HSP on
 8 Exhibit 7.

9 How did you determine that Technical
 10 Support or tsupport@gmail.com had something to do
 11 with the Web HSP?

12 A I think that was information that was
 13 provided to us from Carol.

14 MR. KAPLAN: Can you speak up?

15 THE WITNESS: I'm sorry. I believe it was
 16 information that was provided to us from
 17 Miss Spizzirri.

18 By Ms. Schwartz:

19 Q What did Miss Spizzirri say about the
 20 Technical Support email and its relationship to
 21 Web HSP?

22 A I don't recall specifically what she
 23 said.

24 Q Do you know who actually authored this

1 Save a Life account.

2 Q And when you say you understand that
 3 Tech Support did a search of the IP address in
 4 question, what did you mean by search? What was
 5 being searched?

6 A What it says here, of their mail log on
 7 the server.

8 Q And by here you are referring to the
 9 first line of the email, Exhibit 7?

10 A Correct. Right under the subject line
 11 it says, looking for the IP address of the IT
 12 person, which the 102 address, from the mail log on
 13 the server.

14 Q What did you -- what did you understand
 15 the mail log on the server to mean in this email?

16 A The record of both inbound and outbound
 17 emails through -- to and from the server.

18 Q And you understood that to be records
 19 maintained by Web HSP?

20 A Yes.

21 Q And in terms of the actual -- the
 22 portion of the Exhibit 7 below what you just read,
 23 how does it show two instances of an email leaving
 24 Miss Spizzirri's account and going to another

1 email? It says from Technical Support and an email
 2 address, but did you ever determine the actual
 3 person who wrote this email?

4 A Me specifically, no.

5 Q To your knowledge did anyone ever
 6 determine the person who wrote this email,
 7 Exhibit 7?

8 A To my knowledge I don't know if the
 9 State's Attorney's Office did or not. I did not.

10 Q Did you ever do anything to confirm
 11 whether tsupport@gmail.com was connected to
 12 Web HSP?

13 A I did not, no.

14 Q I'd like to walk through the content of
 15 this email.

16 How does this Tech Support email show
 17 that the IP address, the 102 address, was used to
 18 send an email from Miss Spizzirri's account to
 19 Miss Melongo's account on May 1, 2006?

20 A My interpretation of this is that
 21 whoever typed this information or Technical Support
 22 did a search of the IP address in question and
 23 found it appears to be two instances in which
 24 emails appear to be leaving Miss Spizzirri's

1 outside Yahoo account?

2 A The way I interpret it, there's two
 3 separate times --

4 Q Okay.

5 A -- on May 1st of 2006 in reference to
 6 what I believe to be the ID of an email.

7 Q So just for the record we are looking --
 8 are you looking at Exhibit 7, the third line,
 9 May 1, 2006, and the time appears to be 20:31:40?

10 A Correct. And I believe the next section
 11 is the ID of the email, and then there is the --
 12 what appears to be an arrow pointing to the
 13 left, --

14 Q Okay.

15 A -- what I interpret to mean that an
 16 email was being sent from the email address of
 17 cspizzirri@savealife -- I'm sorry -- salf.org.

18 Q So you interpret that arrow that's
 19 pointing to the left on the third line of Exhibit 7
 20 to --

21 A Correct.

22 Q -- mean that an email is being sent from
 23 C. Spizzirri's account?

24 A Correct.

1 Q Can you tell from that entry where that
 2 email was sent?
 3 A No. Not from that entry, no.
 4 Q And then I do see that 102 IP address in
 5 the next line of Exhibit 7.
 6 How does this show that the 102 address
 7 is the originating IP for that particular email
 8 being sent from cspizzirri@salf.org?
 9 A Can you repeat that one more time? I'm
 10 sorry, or read that back.
 11 Q I'll take a step back.
 12 A Okay.
 13 Q Is this one of the portions of the Tech
 14 Support email that we've just been reading, this
 15 third line -- starting with the third line down of
 16 Exhibit 7, is this one of the documents that made
 17 you think that the 102 address related to the
 18 originating email of an email that went from Carol
 19 Spizzirri's account to Miss Melongo's account?
 20 A Yes. Based upon Technical Support's
 21 description here or what they wrote as far as
 22 underneath the text of the two emails it says,
 23 record showing her sending the email from Carol's
 24 email address to her own Yahoo address. Note the

1 here. (Marking document.)
 2 So in the second grouping --
 3 Q Yep.
 4 A -- where it begins 2006-05-01 20:31:40.
 5 MR. WUNDER: That's the second search, right,
 6 just to be clear?
 7 THE WITNESS: Yes.
 8 MR. WUNDER: Okay.
 9 THE WITNESS: It appears that this is a second
 10 search that was done for the ID number of the email
 11 that was sent on that date and time on May 1, 2006
 12 at 20:31:40.
 13 He does a second search, and he comes to
 14 the conclusion and notes where he found the email
 15 being forwarded out of Miss Spizzirri's account,
 16 the arrow pointed to the left, and then the IP
 17 address associated to this sending of that email.
 18 And then he further shows that that continued on to
 19 being delivered to melongo_annabel@yahoo.com.
 20 By Ms. Schwartz:
 21 Q And just to stop you there, could you
 22 put a No. 2 next to that portion you referred to as
 23 the second search?
 24 A Correct.

1 IP in the log.
 2 Then as you read further down it appears
 3 that he's referencing the same emails based upon
 4 the ID numbers and the time -- the two times that
 5 were associated to those prior two that we were
 6 discussing.
 7 Q So the ID -- so the time you are
 8 referring to, the two dates, 5/1/2006 at 20:31:40
 9 hours?
 10 A Yeah, the time of 20:31:40 and the time
 11 of 23:01:31 on May 1st of '06.
 12 MR. WUNDER: Julia, do you want him to mark
 13 that up or something to show how he is reaching the
 14 conclusions?
 15 MS. SCHWARTZ: That might be helpful if we
 16 walk through.
 17 THE WITNESS: You want me to come over there?
 18 By Ms. Schwartz:
 19 Q I can give you an extra pen.
 20 A So, what -- I guess the items that I'm
 21 referring to are --
 22 Q Please circle what you referred to?
 23 A -- here and this here and that arrow and
 24 then here. And then again here, and then this

1 Q So let's put a No. 2 next to there so we
 2 know.
 3 A There and there (marking document.)
 4 Q So No. 1 reflects what you believe to be
 5 the first search?
 6 A Correct. And these I believe are search
 7 parameters here and here. (Marking document.)
 8 He doesn't list it here, but it looks
 9 like -- well, I can't.
 10 Q So one of the search parameters next to
 11 No. 1 is the IP address, the 102 address?
 12 A Correct.
 13 Q And the other search parameter in the
 14 second search to which you referred is the
 15 g-r-e-p -- what follows the word g-r-e-p --
 16 A Correct.
 17 Q -- the second search?
 18 And did you rely on the textual
 19 descriptions about what these searches mean --
 20 meant in the Tech Support email to understand what
 21 they meant?
 22 So I'm referring specifically to the
 23 portion you read where it says, this is the actual
 24 record showing her sending the email from Carol's

1 email address to her own Yahoo based email address.
 2 Note the IP in the log.

3 Did you rely on that narrative portion
 4 to understand what this email meant?

5 A Some of it, yes, especially the
 6 direction of travel as far as the arrows and which
 7 way the arrows were pointing.

8 Q Otherwise would you know what those
 9 search results, search No. 1 and search No. 2 meant
 10 from a technological perspective?

11 A I would -- I understand obviously the
 12 date, the time, and the -- I can recognize the
 13 email addresses that are in here, the IP addresses
 14 that are in here. There is a reference to the
 15 server I believe at savealife.org, that's a
 16 reference to the server.

17 Q So the key point of both search 1 and 2,
 18 showing the direction of the email are those little
 19 arrows?

20 A Correct, the arrows and then what I
 21 perceive to be is the IP address, the originating
 22 IP address for those emails.

23 Q Would you mind circling the arrows that
 24 you are referring to with circles just so the

1 particular email itself.

2 Q And was it this document and the content
 3 we've just walked through of Exhibit 7 that -- was
 4 that the email that made you think that there was a
 5 connection between the 102 address and the sender
 6 of an email out of Miss Spizzirri's account to
 7 Miss Melongo's Yahoo account?

8 A Yes.

9 Q I'm handing Detective Martin Exhibit 8,
 10 CCSAO 005385.

11 (A document was marked Plaintiff's
 12 Deposition Exhibit Martin No. 8
 13 for identification.)

14 By Ms. Schwartz:

15 Q Have you seen Exhibit 8 before?

16 A I don't recall seeing this ever.

17 Q Exhibit 8 appears to be a screenshot of
 18 the administrator email interface for the
 19 Save a Life Foundation administrator with email
 20 address adminstrator@salf.org.

21 Were you aware that anyone with
 22 Save a Life Foundation administrator credentials
 23 could log on and view Save a Life employees' email
 24 accounts?

1 record is clear what arrows we're referring to?

2 A Sure. (Marking document.)

3 Q Now, continuing down on Exhibit 7, after
 4 the portion that says again, second message going
 5 from Carol's address to her Yahoo email address,
 6 that -- does the portion below that relate to a
 7 second email that appears to have gone from Carol's
 8 address to her Yahoo address according to
 9 Exhibit 7?

10 A Yeah. Up in paragraph 1 or search 1, it
 11 looks like there was two emails that were found
 12 when he did the search for the IP address. One
 13 being sent at 20:31:40 and the second being sent at
 14 23:01:31. So in the paragraph 3 or what I guess is
 15 search 3 --

16 Q Let's mark that as search 3?

17 A (Marking document.) It shows the same
 18 time of May 5 -- I'm sorry -- may 1, 2006 at
 19 23:01:31, and similar information as to what was
 20 contained in the second search.

21 Q And again, the arrows that show the
 22 direction of the email?

23 A Correct, the arrows, the IP address, and
 24 what I understand the meaning is the ID of that

1 A I'm aware that an administrator can do
 2 that. I don't know that specifically someone or
 3 who that administrator might have been for
 4 Save a Life.

5 Q You are not aware of who had
 6 administrator access for Save a Life?

7 A No.

8 Q And do you know generally how the
 9 administrator access worked for someone with
 10 administrator access at Save a Life?

11 A Not Save a Life, no.

12 Q Did you ever inquire as to who had
 13 administrator access to the Save a Life emails?

14 A I don't recall specifically asking that
 15 question, no.

16 Q Do you know if Christian Sass, who was
 17 the new IT administrator at Save a Life after
 18 Miss Melongo had administrator access to the
 19 Save a Life Foundation emails?

20 A I -- no.

21 MR. KAPLAN: Your answer is I don't know.

22 THE WITNESS: No, I don't know if he did or
 23 not.

1 By Ms. Schwartz:
 2 Q Apart from the exhibits we've reviewed
 3 that you testified that you recognized from your
 4 investigation, did you receive any other emails
 5 from either Carol Spizzirri or anyone else at the
 6 Save a Life Foundation when you were conducting
 7 your investigation?

8 A I don't recall anything specific. I may
 9 have, but I don't recall.

10 Q Did we go over the key ones that you
 11 recall seeing?

12 A I believe so, yes.

13 Q Were you aware during your investigation
 14 that Miss Spizzirri complained to State's Attorney
 15 Richard Devine about Miss Melongo?

16 MS. NINFO: Object to the form.

17 MR. KAPLAN: I'll join.

18 By Ms. Schwartz:

19 Q Let me rephrase the question.

20 Were you aware Miss Spizzirri had
 21 written a letter to State's Attorney Richard Devine
 22 on May 8, 2006?

23 MR. KAPLAN: Are you aware that she wrote a
 24 letter -- wrote a letter to him?

1 THE WITNESS: Yes, that was made aware to
 2 me.

3 By Ms. Schwartz:

4 Q When did you learn about that?

5 A I don't recall a specific date. I
 6 vaguely remember getting a copy of the letter she
 7 wrote.

8 Q Who sent you a copy of the letter
 9 Miss Spizzirri wrote?

10 A I have no idea.

11 Q Apart from receiving a copy of the
 12 letter Miss Spizzirri wrote to Richard Devine, did
 13 you have any discussions about -- about that letter
 14 or any communications between Miss Spizzirri and
 15 Mr. Devine?

16 A No.

17 Q You just received the letter?

18 A Yes.

19 Q I'm showing Detective Martin Plaintiff's
 20 Deposition Exhibit 8, CCSAO 000185 --

21 MR. KAPLAN: Want to make it No. 9?

22 MS. NINFO: No. 9.

23 MS. SCHWARTZ: No. 9, excuse me.

24 MR. KAPLAN: Yes.

1 MS. SCHWARTZ: Plaintiff's Deposition
 2 Exhibit No. 9, CCSAO 000185 to 187.
 3 (A document was marked Plaintiff's
 4 Deposition Exhibit Martin No. 9
 5 for identification.)

6 By Ms. Schwartz:

7 Q Exhibit 9 appears to be a fax in reverse
 8 order, the last page as CCSAO 000185 and the first
 9 page, the cover sheet, CCSAO 000187.

10 Is this a copy of a fax you received
 11 dated May 26, 2006?

12 A It appears to be, yes.

13 Q Does it appear to be a true and accurate
 14 copy of a fax you received?

15 A It appears to be.

16 Q And can you tell who sent you the fax,
 17 Exhibit 9?

18 A I don't know for sure, but it has
 19 Carol's name printed on it, as far as --

20 Q On the fax cover sheet --

21 A -- the from line of -- from Save a Life
 22 Foundation, Incorporated, Carol Spizzirri.

23 Q Did you speak to anyone at the
 24 Save a Life Foundation about this letter dated --

1 two letters, one dated May 8, 2006 and one dated
 2 May 9, 2006?

3 MR. KAPLAN: Could you read back the question,
 4 Miss.

5 (The record was read.)

6 THE WITNESS: She may have -- I remember
 7 getting the fax. I don't recall if I spoke to
 8 anyone specifically in reference to this, other
 9 than, you know, hey, I'm sending you this fax.

10 By Ms. Schwartz:

11 Q Did Miss Spizzirri tell you or anyone
 12 tell you why this fax was sent to you?

13 A Carol offered to involve other agencies;
 14 such as, it appears the State's Attorney's Office
 15 to offer their assistance in investigating.

16 Q Did she offer to involve other agencies
 17 in a conversation she had with you?

18 A As far as in relation to this fax, I
 19 think that's why she was sending it to me, if I
 20 remember correctly.

21 Q What did she say to you about offering
 22 to involve other agencies?

23 A Just trying to advance the investigation
 24 and proceed appropriately, I guess.

1 Q Did she tell you why she thought it
 2 would be potentially useful to involve other
 3 agencies, including the State's Attorney's
 4 Office?

5 A No.

6 Q Did she tell you how she could
 7 potentially get other agencies involved?

8 A Not that I recall, no.

9 Q Did she tell you that she had contacts
 10 within the State's Attorney's Office that would
 11 help potentially get them involved?

12 MS. NINFO: Objection, form.

13 THE WITNESS: Not that I recall.

14 By Ms. Schwartz:

15 Q Did you think it was necessary to
 16 involve other agencies in the investigation?

17 A That wouldn't have been a decision for
 18 me to make. That would be more with the
 19 lieutenant.

20 Q Did you ever speak with your lieutenant
 21 about whether it might make sense to include other
 22 agencies in the Save a Life investigation?

23 A Other than when we spoke to Mr. French
 24 of the Attorney General's Office, I don't think we

1 Q Do you recall what he said to you?
 2 A Nope, other than offering his assistance
 3 of his office, that was it.

4 Q Do you recall anything else of what you
 5 said to Mr. Devine?

6 A No.

7 Q Was it unusual for you to receive a call
 8 from a County's State's Attorney?

9 MR. KAPLAN: Objection, form.

10 You can answer.

11 THE WITNESS: At the time I was new, so I
 12 would say yes, at the time.

13 By Ms. Schwartz:

14 Q How many times have you spoken about a
 15 case or an investigation to a State's Attorney?

16 A Hundreds.

17 Q The State's Attorney of the County? I'm
 18 not referring to Assistant State's Attorneys, but
 19 the actual State's Attorney?

20 A Just that time I think was the only time
 21 I've ever spoken to the State's Attorney.

22 Q Of any county?

23 A Yeah.

24 Q So apart from your one phone call with

1 ever really reached out to anybody else as far as
 2 getting assistance.

3 Q After you received this fax, Exhibit 9,
 4 did you speak to anyone at the State's Attorney's
 5 Office about Miss Spizzirri's allegations?

6 A I got a phone call from Mr. Devine
 7 offering his assistance, but that was it. At that
 8 point I told him -- I vaguely remember telling him
 9 we -- it was early on and if I needed something, I
 10 would call him.

11 Q When did that phone call from Mr. Devine
 12 take place?

13 A I don't recall exactly what day that
 14 was.

15 Q Was it around the time you received this
 16 fax, May 26, 2006?

17 A Maybe. I don't know for sure.

18 Q About how long was the phone call with
 19 Mr. Devine?

20 A If I had to guess, less than a minute or
 21 a minute.

22 Q Was that the first time you had spoken
 23 to Richard Devine?

24 A Yes.

1 Richard Devine, that's the only time you have
 2 spoken to a State's Attorney --

3 A Yes.

4 Q -- about an investigation?

5 A Yes.

6 Q After that conversation -- let's take a
 7 step back.

8 Do you remember anything else about the
 9 conversation you had with Mr. Devine?

10 A No, I do not.

11 Q And it was a phone call you said?

12 A Yes.

13 Q And he initiated that phone call?

14 A Yes.

15 Q After that phone call with Mr. Devine,
 16 did you have any other contact with anyone at the
 17 State's Attorney's Office about the
 18 investigation?

19 A His particular office?

20 Q His particular office.

21 A No.

22 Q Eventually you communicated with someone
 23 at the State's Attorney's Office about bringing
 24 charges in the fall of 2006; is that right?

1 A Correct.
 2 Q So between the conversation with
 3 Mr. Devine and the fall of 2006 when you spoke to
 4 someone at the State's Attorney's Office about
 5 bringing charges, did you have any communication
 6 with anyone at the Cook County State's Attorney's
 7 Office?

8 A The subpoenas would have been sent to
 9 the Third District for approval. So any subpoenas
 10 that might have been requested or sent go through
 11 the State's Attorney's Office in the LaGrange area,
 12 and then we get a copy and send it off to the
 13 provider.

14 Q Apart from communications about
 15 subpoenas from the Third District, between the call
 16 with Mr. Devine and the fall of 2006 when you spoke
 17 to someone at the State's Attorney's Office about
 18 bringing charges, did you have any other
 19 communication with anyone at the Cook County
 20 State's Attorney's Office?

21 A Not that I recall, no.

22 Q Did the fact that Mr. Devine contacted
 23 you have any impact on the way you handled the
 24 Save a Life investigation?

1 A Nope.

2 Q It didn't make you prioritize or
 3 accelerate the investigation?

4 A Nope.

5 Q You testified earlier that Kyle French
 6 from the Attorney General's Office, the Illinois
 7 Attorney General's Office became involved in the
 8 case; is that correct?

9 A Correct.

10 Q How often did you meet in person with
 11 Kyle French?

12 A One for sure that I remember. I don't
 13 recall if we met in person any other times after
 14 that, in reference to this case.

15 Q Did you work on any other cases with
 16 Kyle French?

17 A I don't think so. Not to my
 18 recollection, no.

19 Q Do you recall when you had that meeting
 20 with Kyle French?

21 A It was May 15th -- May 17th, I'm sorry.
 22 May 17th of '06.

23 Q Would it refresh your --

24 A I'm sorry, May 6th -- May 16th of '06.

1 Q May 16th of 2006?
 2 A Correct.
 3 Q That meeting is also referenced, if you
 4 look at -- turn to Exhibit 3, the police report, on
 5 the first page. It says, R/I and Lt. Schulze,
 6 No. 30, met with Kyle French of the Illinois
 7 Attorney General's Office in reference to this
 8 investigation.

9 Is that the meeting that you just
 10 testified about, Detective Martin?

11 A Yes.

12 Q It also says on Exhibit 3, first page,
 13 Mr. French advised that he was available to assist
 14 with the investigation and had already sent
 15 preservation requests to Yahoo, Comcast and
 16 Roosevelt University.

17 Did Mr. French tell you how he knew to
 18 go ahead and send those preservation requests prior
 19 to the meeting on May 16, 2006?

20 A He may have. I don't recall if he did
 21 specifically say that.

22 Q Had you spoken to Mr. French prior to
 23 the meeting on May 16, 2006?

24 A I had not, no.

1 Q Do you recall any of the substance of
 2 the conversation with Kyle French when you met with
 3 him on May 16, 2006?

4 A Other than what's stated in my report,
 5 no.

6 Q When you were working on the
 7 investigation, did you speak with Kyle French on
 8 the telephone?

9 A Yes.

10 Q About how often would you speak with
 11 Mr. French on the telephone?

12 A I don't think I could put a number on
 13 it. Maybe a handful of times.

14 Q Did you exchange emails with Kyle French
 15 while you were working on this investigation?

16 A Yes, I did.

17 Q If you had to put a number on it, about
 18 how many emails would you say you exchanged with
 19 Kyle French?

20 A Maybe ten.

21 Q Looking at Exhibit 3, still on the first
 22 page in the entry dated May 16, 2006, it says R/I
 23 and Lt. Schulze went to the listed address for
 24 Miss Melongo, and then an address is listed.

1 Why did you go to the address listed for
 2 Miss Melongo on May 16, 2006?
 3 A In an attempt to speak to her about the
 4 allegations that had been made.
 5 Q Did you speak with Miss Melongo on that
 6 date?
 7 A No, we did not.
 8 Q Why not?
 9 A I don't think we made contact.
 10 Q Why did you want to speak to
 11 Miss Melongo on that date, May 16, 2006?
 12 A Just like in any case, we are trying to
 13 get her side of the story.
 14 Q Did you make any follow-up attempts to
 15 try to speak with Miss Melongo after the May 16,
 16 2006?
 17 A I did.
 18 Q When were those attempts?
 19 A June 9th of 2006, June 20th of 2006 and
 20 again on July 20th when we issued the search
 21 warrant.
 22 Q Your attempts prior to July 20th to
 23 speak to Miss Melongo were unsuccessful?
 24 A Yes.

1 Q So I'm still on Exhibit 3, the bottom of
 2 the first page and then going into the second, the
 3 entry dated May 17, 2006. It states that you and
 4 Lieutenant Schulze met with Robert Barnes and
 5 Vincent David -- Davis of Save a Life Foundation on
 6 May 17, 2006; is that correct?
 7 A Yes.
 8 Q Who is Robert Barnes?
 9 A An employee of Save a Life.
 10 Q And who is Vincent Davis?
 11 A Also an employee.
 12 Q Why did you meet with Mr. Davis and
 13 Mr. Barnes on May 17, 2006?
 14 A We were meeting with them to get some
 15 more information that they had obtained in
 16 reference to the allegations that were made.
 17 Q What information was that that they had
 18 obtained?
 19 A Based on the report it was server log
 20 was -- in review of this case for this deposition,
 21 it's not logs. They were screenshots of files that
 22 were located on the server -- like screenshots of
 23 files that were -- folders, I should say, and files
 24 that were on the server. And he was describing how

1 the times that were listed on that screenshot were
 2 in daylight savings time.
 3 Q He, are you referring to Mr. Davis or
 4 Mr. Barnes?
 5 A Mr. Barnes.
 6 Q And by screenshots of files located on
 7 the servers, are you referring to files located on
 8 Save a Life Foundation servers?
 9 A Yes.
 10 Q What was the relevance of those
 11 screenshots of Save a Life servers?
 12 A He was showing -- one of the times that
 13 was listed on there, according to the operating
 14 system, was the last accessed time. Trying to show
 15 that these files had been last accessed and then
 16 eventually deleted at that time.
 17 Q What did those -- did you review the
 18 copies of the screenshots?
 19 A I did.
 20 Q And what did they show?
 21 A The exact -- I don't recall the exact
 22 times, but the screenshots showed that the last
 23 access times were between the hours of I think
 24 1:00 in the morning to 3:00 in the morning on the

1 28th of 2006 -- I'm sorry, April 28th of 2006.
 2 Q That was the time when the alleged
 3 intrusion took place on the Save a Life servers?
 4 A Yes.
 5 Q Was anyone else present when you met
 6 with Mr. Barnes and Mr. Davis on May 17, 2006?
 7 A Other than Lieutenant Schulze, I don't
 8 believe there was anyone else.
 9 Q Did Mr. Davis and Mr. Barnes give you
 10 any other documents when you met on that date?
 11 A I don't recall specific documents, but
 12 according to my report there were no other
 13 documents.
 14 Q Apart from your report do you recall
 15 anything about the conversation with Mr. Davis and
 16 Mr. Barnes, what was said during that
 17 conversation?
 18 A No. Other than what is put in the
 19 report, no.
 20 Q So you are going off of what is listed
 21 in your report, Exhibit 3?
 22 A Yes, ma'am.
 23 Q So let's walk through some of that then.
 24 I'm looking at the page at the bottom,

1 Melongo_005216 of Exhibit 3.

2 A I'm sorry, where are we at?

3 Q We are on the second page. It has a
4 number at the bottom Melongo --

5 A Oh, yes, sorry.

6 Q -- 005216. If you look at about the
7 fifth line it says, once her employment was
8 terminated, Miss Melongo had no further access to
9 the computers from within the building and that an
10 employee named Christian changed all of the pass
11 codes to each of the servers after she left the
12 building.

13 Is this a statement that Mr. Barnes told
14 you when you met with him on May 17, 2006?

15 A Based on what's written here in the
16 report, I believe so, yes.

17 Q And it's your understanding that
18 Miss Melongo was terminated on April 27, 2006,
19 correct?

20 A Correct.

21 Q Do you know who Christian is referred
22 to -- which is referred to in the paragraph I just
23 read?

24 A To my knowledge it's Christian Sass, the

1 email server?

2 A I didn't specifically investigate that
3 route, no.

4 Q You continue on the page we've just been
5 reading, the second page of Exhibit 3, it says --
6 now towards the end of the first paragraph,
7 Mr. Barnes also believed the intrusion to the
8 computer system occurred somehow through the web
9 via the company's email server, but he was unsure
10 as to how this may have occurred because the
11 company disconnected the DSL lines from the servers
12 after the suspect's employment was terminated.

13 That's the statement you just alluded
14 to --

15 A Yes.

16 Q -- in your report?

17 A Yes.

18 Q What does DSL stand for?

19 A I don't know exactly. I believe it
20 stands like direct service line or something like
21 that. I can't recall. It's been a while.

22 Q Do you know what a DSL line is?

23 A Yeah, it's an internet connection, a
24 type of internet connection.

1 gentleman that was their IT administrator after
2 Miss Melongo was fired.

3 Q Did you discuss with anyone at
4 Save a Life how Miss Melongo could have accessed
5 their servers if the pass codes had been changed
6 right after she was fired?

7 A I know that was it -- I'm not sure if it
8 was Mr. Barnes or Mr. Davis, but one of them stated
9 they believed that she thought she went in through
10 the email server, but I don't recall who may have
11 said that.

12 Oh, Mr. Barnes, believed the intrusion
13 to the computer system occurred somehow through the
14 web via the company's email server.

15 Q So they believed, Mr. Barnes or
16 Mr. Davis, that Miss Melongo accessed Save a Life
17 servers -- the entire servers for the company via
18 the email server?

19 A That's his assumption, yes.

20 Q Did they explain why they made that
21 assumption?

22 A No.

23 Q Did you investigate if it would be
24 possible to access Save a Life servers using the

1 Q Would you agree that it would have been
2 impossible to access Save a Life servers via DSL
3 line if the DSL lines were disconnected?

4 A Can you say it one more time?

5 MS. SCHWARTZ: Would you read it back.

6 THE WITNESS: Would you read that back,
7 please.

8 (The record was read.)

9 THE WITNESS: No, I do not agree to that.

10 By Ms. Schwartz:

11 Q Why not?

12 A Because there is multiple ways a
13 computer can be accessed, whether it has actual --
14 that computer specifically has internet connection
15 or not.

16 Q If remote access is down -- if the
17 internet is down on the servers, could someone
18 remotely access those servers?

19 A Yes.

20 Q So in this case what was your view as to
21 how the intruder to Save a Life Foundation's
22 systems could have remotely accessed Save a Life
23 servers if the DSL line was down?

24 A It just says the DSL lines were

1 disconnected from the servers, which I take to mean
 2 that the servers themselves were not accessible to
 3 the internet, the outside world -- I shouldn't say
 4 the outside world, but the internet itself.

5 But if another computer on that specific
 6 network still has internet access, that has the
 7 network credentials to connect to those servers, a
 8 person could potentially log into those servers and
 9 delete data.

10 Q So a person could access the Save a Life
 11 networks even if they were not -- strike that.

12 A person could have accessed Save a Life
 13 Foundation servers that were not connected to the
 14 internet if that person had network access?

15 A If the compute -- the computer that is
 16 remotely being accessed has the ability to be
 17 remotely accessed and is on the internet and
 18 discoverable on the network, and they can -- a
 19 person could enter like -- it's like entering a
 20 door. If you can get into a door on a house, no
 21 matter where that door is located, if that door is
 22 accessible, once you are inside, you can navigate
 23 throughout as long as your permission level
 24 allows.

1 Q Was that your understanding of how
 2 someone accessed Save a Life Foundation servers
 3 remotely on April 28, 2006?

4 A Yes.

5 Q Continuing on that same page we've been
 6 reading of Exhibit 3, second page, at the end of
 7 this second paragraph it states, Mr. Davis believed
 8 the suspect had been monitoring SALF management's
 9 email for some time.

10 Did Mr. Davis tell you why he thought
 11 the suspect, Miss Melongo, had been monitoring SALF
 12 management's email?

13 A It was in reference to the fact that she
 14 had specific knowledge of communications that had
 15 been occurring. And he makes a reference to at
 16 some point only four people knew a specific bite of
 17 information, I don't recall what it was, but only
 18 four people knew about it, and she was not supposed
 19 to be one of the four, but she was aware of it.

20 Q Do you remember what that information
 21 that Miss Melongo had was?

22 A No, I don't recall.

23 Q Did Mr. Davis say how he came to
 24 discover that Miss Melongo had this information

1 that only four other people should have known?

2 A No, and I don't know -- no, I don't.

3 Q The next sentence of Exhibit 3, second
 4 page says Mr. Davis also gave R/I the name of the
 5 person who they called to repair the server on
 6 1, May, 06, Critical Technology Solutions.

7 Was that Don Peters the person from
 8 Critical Technology Solutions?

9 A Yes. I believe he's the owner of the
 10 company or it's his company.

11 Q And did you speak to Don Peters as part
 12 of your investigation?

13 A Yes, at least once that I remember.

14 Q Was that also on May 17, 2006?

15 A Correct.

16 Q Did Mr. Peters tell you what his company
 17 did or was doing related to Save a Life Foundation
 18 servers and computers?

19 A Yes.

20 Q What did he tell you?

21 A According to the report, he was told
 22 kind of what had happened in regards to the
 23 intrusion, and the fact that they were unable to
 24 access their data.

1 So she basically told him that several
 2 people tried to fix it, but couldn't, and then they
 3 called him to do what he could do. And he told her
 4 that evidence discovery as far as what could be
 5 presented to the police to use in court, there is
 6 no clear chain of custody. And knowing that, she
 7 still decided to move forward with his company's
 8 recovery efforts.

9 Q So that's what Mr. Peters told you he
 10 did and said to Carol Spizzirri?

11 A Yes.

12 Q Do you recall anything else about that
 13 conversation with Don Peters?

14 A No, other than the fact he was going --
 15 I needed -- I wanted a document that stated, you
 16 know, his findings basically or his...

17 Q Did you receive a document stating
 18 Critical Technology Solutions' findings?

19 A I did. It was a couple days later, I
 20 believe.

21 Q I'm handing Detective Martin Plaintiff's
 22 Deposition Exhibit --

23 MR. KAPLAN: 10.

24 MS. SCHWARTZ: -- 10, CCSAO 000188.

1 (A document was marked Plaintiff's
 2 Deposition Exhibit Martin No. 10
 3 for identification.)

4 By Ms. Schwartz:

5 Q Is Exhibit 10 a true and accurate copy
 6 of an email you received from Donald Peters dated
 7 May 18, 2006?

8 A It appears to be. And according to this
 9 there was an attachment, and I believe it was an
 10 attachment that he had provided in the letter that
 11 I think he gave to Carol, Miss Spizzirri.

12 Q So I'll hand you Plaintiff's Deposition
 13 Exhibit 11, which is Attorney General's 001365,
 14 1366.

15 (A document was marked Plaintiff's
 16 Deposition Exhibit Martin No. 11
 17 for identification.)

18 By Ms. Schwartz:

19 Q Is Exhibit 11 the attachment, the report
 20 from Critical Technology Solutions to
 21 Miss Spizzirri dated May 11, 2006?

22 A It appears to be, yes.

23 Q So you received both of these documents,
 24 Exhibit 10 and Exhibit 11 as part of your

1 about some of those issues?

2 A We discussed it as far as, you know,
 3 what his opinion was.

4 Q Doesn't that quoted statement that I
 5 just read mean that the condition of Save a Life
 6 Foundation servers could have changed between the
 7 time of the intrusion on April 28th and the time
 8 Mr. Peters' company completed its work?

9 A I missed it. Could they have changed?

10 MS. SCHWARTZ: Would you mind reading the
 11 question back.

12 (The record was read.)

13 THE WITNESS: The condition have changed?
 14 Yes, it's possible they could have changed.

15 By Ms. Schwartz:

16 Q And doesn't the quoted statement I just
 17 read of Exhibit 11 mean that it would be difficult
 18 to prove the exact condition of the servers
 19 immediately after the Save a Life intrusion?

20 A I don't know that it would be difficult
 21 to prove the condition because he states on page 1
 22 what the condition was when he got it.

23 Q But he does say -- Don Peters does say
 24 on Exhibit 11, it is not possible to state with

1 investigation?

2 A Yes.

3 Q Let's start with Exhibit 11.

4 Did you review Exhibit 11 when you
 5 received it from Donald Peters?

6 A I did.

7 Q If you turn to the second page, the
 8 first paragraph where he says it is important to
 9 note that following the discovery of data loss on
 10 April 28th, many technical personnel attempted to
 11 perform recovery procedures on the Dell and Sony
 12 systems. These actions were appropriately matched
 13 to the technician's skill sets and we apparently
 14 carried out in a good faith effort to provide
 15 recovery. With the number of personnel involved
 16 and the amount of time prior to our examination, it
 17 is not possible to state with complete certainty
 18 that the file tag information, dates, times,
 19 et cetera, is accurate.

20 Are these some of the chain of custody
 21 issues that you referenced earlier today in your
 22 testimony?

23 A Yes.

24 Q And did you speak to Don, Donald Peters

1 compete certainty that the file tag information,
 2 dates, times, et cetera is accurate?

3 A The information that he was able to
 4 obtain, and I'm referencing the screenshots that
 5 were provided to us, of the server and the file
 6 tree that I was referencing earlier, those dates
 7 and times. He's saying that it's not possible to
 8 say what the evidence that he obtained from those
 9 servers, those times -- he can't state that those
 10 times are accurate, but then he goes on to say that
 11 it would take an extraordinary effort to modify
 12 these -- this information, but that's only at the
 13 time that he recovered those items.

14 Q Let's turn to Exhibit 10, the email. In
 15 Exhibit 10 Don Peters wrote I -- towards the bottom
 16 of the first paragraph, I advised the group that
 17 with multiple personnel attempting recovery on the
 18 drives over the previous days, and no clear chain
 19 of custody, the quality of any evidence discovery
 20 would be questionable at best.

21 MR. KAPLAN: Do you have a question?

22 MS. SCHWARTZ: Yes, I'm thinking.

23 THE WITNESS: That's what I didn't know if it
 24 was a question. I was going to have you read it

1 back.
 2 By Ms. Schwartz:
 3 Q The fact that there was no clear chain
 4 of custody and that the quality of any evidence
 5 discovery would be questionable at best, didn't
 6 that mean that you could not obtain evidence from
 7 the Save a Life Foundation servers or computers
 8 that was preserved as of the time of the alleged
 9 intrusion?
 10 MR. KAPLAN: Objection, calls for speculation.
 11 THE WITNESS: I wouldn't know if there was --
 12 it was possible or not.
 13 By Ms. Schwartz:
 14 Q What did you understand Mr. Peters to
 15 mean when he said the quality of any evidence
 16 discovery would be questionable at best?
 17 A The quality evidence in reference to
 18 having someone testify specifically to the evidence
 19 that was recovered and who might have recovered it
 20 and from where it was recovered.
 21 Q Mr. Peters wouldn't be able to say what
 22 evidence was recovered and where it was recovered?
 23 MR. KAPLAN: Objection, calls for
 24 speculation.

1 By Ms. Schwartz:
 2 Q Is that what he told you?
 3 A The way I understand what he wrote to
 4 mean is that the quality of the evidence, which to
 5 me means the evidence -- if there was evidence
 6 discovered, he specifically couldn't say that this
 7 was recovered by what individual at what time, and
 8 be usable in court in the sense of when we have
 9 evidence, we have to know that.
 10 Q I'm handing you Plaintiff's Deposition
 11 Exhibit 12, Attorney General 000106 to 113.
 12 (A document was marked Plaintiff's
 13 Deposition Exhibit Martin No. 12
 14 for identification.)
 15 By Ms. Schwartz:
 16 Q This is a report from True Consulting,
 17 Inc., dated April 30, 2006.
 18 Did you review this True Consulting
 19 report as part of your investigation?
 20 A I don't recall if I was provided a copy
 21 of this or not.
 22 Q Did you learn about any recovery efforts
 23 that were done on the Save a Life Foundation
 24 computers or servers by a company called True

1 Consulting, Inc.?
 2 A No. I was aware of the fact that there
 3 were people that were hired or attempted to recover
 4 the data, I should say, but I didn't -- I don't
 5 specifically remember if I knew it was True
 6 Consulting.
 7 Q If you turn to page at the bottom,
 8 Attorney General 000107, the paragraph that starts
 9 virus/malicious intent?
 10 A I'm sorry, what page of that?
 11 Q 107.
 12 A 107.
 13 MR. KAPLAN: Page 2 of this report.
 14 By Ms. Schwartz:
 15 Q The second page.
 16 A Oh, the second page.
 17 Q In the paragraph that starts
 18 virus/malicious intent it says, when viewing the IP
 19 log for the network, we noticed that an external IP
 20 addressed logged into SALF's servers on Friday and
 21 engaged or trolled the server for over four hours.
 22 Do you recall learning that someone had
 23 discovered that there had been an external IP
 24 address that trolled the server for four hours?

1 A No, not that I recall.
 2 Q Did you ever ask Save a Life Foundation
 3 or any of these third-party vendors that worked for
 4 Save a Life Foundation to provide you information
 5 about IP addresses that accessed their network on
 6 April 28, 2006?
 7 THE WITNESS: Can you read back the question,
 8 please?
 9 (The record was read.)
 10 THE WITNESS: Yes, I did.
 11 By Ms. Schwartz:
 12 Q What did you ask for?
 13 A I remember asking Web HSP for whatever
 14 information they might have as far as what IP
 15 addresses were captured during the time of the
 16 alleged incident. I don't recall if I asked Don
 17 Peters or not.
 18 Q Did you ever obtain any information
 19 about IP addresses that accessed Save a Life system
 20 on April 28, 2006 from Web HSP?
 21 A No, I did not.
 22 Q Did you ever obtain such information
 23 from any other source?
 24 A Not that I recall, no.

1 Q Did you ever speak with Brian Salerno?
 2 A I don't recall if I did or not.
 3 MS. SCHWARTZ: Let's take a lunch break now.
 4 MR. KAPLAN: Sure.
 5 MS. SCHWARTZ: Let's go off the record.
 6 (A discussion was had off the
 7 record.)
 8 (Whereupon, a lunch recess was
 9 taken until 12:45 p.m., this day,
 10 Tuesday, May 8, 2018.)

1 APPEARANCES: (Continued)
 2 Ms. Lisa Madigan, Attorney General,
 3 State of Illinois, by:
 4 Ms. Shirley R. Calloway
 5 Assistant Attorney General
 6 on behalf of Defendant Kyle French;
 7 Ms. Dina M. Ninfo
 8 Angelini, Mills, Woods & Ori Law
 9 on behalf of Defendant
 10 Ms. Carol Spizzirri.

11 Also Present:
 12

13 Ms. Annabel Melongo (via telephone)
 14

15
 16
 17
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 22
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 24

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF ILLINOIS
 3 EASTERN DIVISION
 4 ANNABEL MELONGO,)
 5 Plaintiff,)
 6 vs.)No. 13-cv-04924
 7 ASA ROBERT PODLASEK, et al.,)
 8 Defendants.)
 9 180 North LaSalle Street
 10 Chicago, Illinois
 11 Tuesday, May 8, 2018
 12 12:49 p.m.
 13

The deposition of DETECTIVE WILLIAM MARTIN
 resumed pursuant to recess.

14 APPEARANCES:
 15 Ms. Julia K. Schwartz
 16 Mr. Michael L. Shakman
 17 Miller Shakman & Beem
 18 on behalf of Plaintiff;
 19 Ms. Kimberly M. Foxx, State's Attorney of
 20 Cook County Illinois, by:
 21 Ms. Bianca Brown
 22 Assistant State's Attorney
 23 on behalf of all Cook County Defendants;
 24 Mr. Eric D. Kaplan
 25 Mr. Christopher S. Wunder
 Kaplan Papadakis & Gournis, P.C.
 on behalf of Defendant William Martin
 and Schiller Park;

1 MS. SCHWARTZ: All right. We are back on the
 2 record after lunch. The same attorneys are present
 3 in the room. Miss Brown, who stepped out, but will
 4 be joining us shortly, and Michael Shakman for the
 5 plaintiff will probably also be stepping in and out
 6 in the afternoon.

7 DETECTIVE WILLIAM MARTIN,
 8 called as a witness herein, having been duly sworn,
 9 was examined and testified further as follows:

10 EXAMINATION (Continued)

11 By Ms. Schwartz:

12 Q I'm handing Detective Martin Plaintiff's
 13 Deposition Exhibit 13, Melongo_004398.

14 (A document was marked Plaintiff's
 15 Deposition Exhibit Martin No. 13
 16 for identification.)

17 By Ms. Schwartz:

18 Q Detective Martin, do you recognize
 19 Exhibit 13?

20 A I believe so, yes.

21 Q Exhibit 13 is a letter dated November 2,
 22 2006 from Carol Spizzirri to Richard Devine.

23 Did you receive a copy of this email
 24 around the time it was sent -- of this letter,

1 excuse me, around the time it was sent?
 2 A I don't know when I received it, but I
 3 remember receiving a copy of this.
 4 Q In the body of this letter it states, it
 5 is with extreme appreciation I write to inform you
 6 that due to the professionalism by your executive
 7 assistant Randy Roberts working with
 8 Detective Martin of the Schiller Park Police
 9 Department a warrant has been issued for the arrest
 10 of the party who destroyed our computer service.
 11 Did you work with executive assistant
 12 State's Attorney Randy Roberts --
 13 A I did not.
 14 Q -- on this?
 15 A I specifically did not, no.
 16 Q Do you recall ever meeting Mr. Roberts
 17 or speaking to Mr. Roberts about the Save a Life
 18 investigation?
 19 A No, I do not.
 20 Q Not on the phone or email or any other
 21 form?
 22 A No, ma'am.
 23 Q Do you have any idea why Miss Spizzirri
 24 states in this letter, Exhibit 13, that you and

1 Q I'd like to turn your attention to
 2 Exhibit 3, your police report, the second page, the
 3 entry dated May 17, 2006 towards the bottom. It
 4 states, R/I then contact Web HSP in Colorado, the
 5 web host for SALF's email server. R/I was advised
 6 to speak to Mike, the owner of the company. Mike
 7 informed R/I that the company should have the IP
 8 addresses of any computer accessing his company's
 9 servers and that he would send R/I the information
 10 collected for the dates of the intrusions.
 11 Did you speak with someone named Mike at
 12 Web HSP on May 17, 2006?
 13 A I believe so, according to the report.
 14 Q Do you recall independently of the
 15 report your conversation with Mike at Web HSP?
 16 A No, not off the top of my head, no.
 17 Q Do you know what Mike's last name was or
 18 is?
 19 A No idea.
 20 Q Is there a reason you didn't list Mike's
 21 last name in the police report?
 22 A Only that I didn't get it.
 23 Q And was May 17th the on -- 2006, the
 24 only time you ever spoke to someone named Mike at

1 Randy Roberts worked together?
 2 MR. WUNDER: Objection, speculation.
 3 THE WITNESS: No, I have no idea why.
 4 (At this point in the deposition
 5 Ms. Brown reentered the room.)
 6 By Ms. Schwartz:
 7 Q I would ask you a few additional
 8 questions about Save a Life's DSL lines.
 9 Were you aware that at the Save a Life
 10 Foundation the DL -- DSL lines were connected
 11 through the server?
 12 A The only information we had regarding
 13 the DSL lines and the servers were that they were
 14 disconnected from them.
 15 Q Were you aware that Save a Life
 16 Foundation did not have WiFi?
 17 A I don't recall if we were ever informed
 18 of whether they had it or not.
 19 Q Were you aware that at Save a Life
 20 foundation, the DSL lines were the only way
 21 internet was connected to their organization, given
 22 that there was no WiFi at Save a Life?
 23 A I don't think we were ever notified
 24 whether they had any additional provider or not.

1 Web HSP?
 2 A The best of my recollection, yes.
 3 Q You testified earlier that no one at
 4 Web HSP ever sent you -- strike that.
 5 Did Mike or anyone at Web HSP ever send
 6 you IP addresses of any company that accessed his
 7 company's servers on May 1, 2006.
 8 A No, we never received anything other
 9 than the email from Web HSP, but we got that from I
 10 believe it was Save a Life.
 11 Q The Tech Support email is what you are
 12 referring to?
 13 A Correct. That's the only thing we ever
 14 got from -- regards to Web HSP.
 15 Q So you never received Web HSP's server
 16 logs?
 17 A No.
 18 Q Wouldn't Web HSP's server logs have
 19 shown the IP addresses used to access Carol
 20 Spizzirri's email account on May 6, 2006?
 21 MR. KAPLAN: Hold, can you read back the
 22 question, please?
 23 (The record was read.)
 24 MR. KAPLAN: Objection, calls for speculation.

1 Answer, if you can.
 2 THE WITNESS: I wouldn't -- I wouldn't know.
 3 By Ms. Schwartz:
 4 Q I'm showing Detective Martin Exhibit 14,
 5 Spizzirri000001093.
 6 (A document was marked Plaintiff's
 7 Deposition Exhibit Martin No. 14
 8 for identification.)
 9 By Ms. Schwartz:
 10 Q Is Exhibit 14 a true and accurate copy
 11 of an email you sent to Carol Spizzirri dated
 12 February 8, 2010?
 13 A It appears to be, yes.
 14 Q You ask Miss Spizzirri, can you locate
 15 the contact information for Web HSP in Colorado.
 16 They were the company that hosted your SALF email
 17 server.
 18 On February 8, 2010 you were asking for
 19 information related to Web HSP?
 20 A Yes.
 21 Q Why were you asking for information
 22 related to Web HSP in February 2010?
 23 A I don't recall the exact reason.
 24 Q Did someone ask you to reach out to

1 Miss Spizzirri about Web HSP?
 2 A I can only assume that someone did,
 3 yes.
 4 Q But you don't recall who that might have
 5 been?
 6 A No, ma'am.
 7 Q What were you looking for specifically
 8 from Web HSP in February 2010?
 9 A It refers to contact information so that
 10 we could get ahold of them, and I -- like again, I
 11 can only assume that we were still trying to obtain
 12 the server logs or locating someone to testify at
 13 that point.
 14 Q Apart from May 17, 2006, about which we
 15 just talked -- the date we just talked about --
 16 strike that.
 17 Between May of 2006 and February of
 18 2010, did you ever ask Web HSP for information
 19 about the email server logs for Save a Life
 20 Foundation?
 21 A Other than what was specifically entered
 22 in the report on May 17th, I don't recall ever
 23 trying to make contact with them personally.
 24 Q I'm handing you Plaintiff's Deposition

1 Exhibit 15, Spizzirri000001087 to 88.
 2 (A document was marked Plaintiff's
 3 Deposition Exhibit Martin No. 15
 4 for identification.)
 5 By Ms. Schwartz:
 6 Q Is this a true and accurate copy of an
 7 email you received from admin@webhsp.com on
 8 February 9, 2010?
 9 A It appears to be, yes.
 10 Q Someone named John Burns from Web HSP is
 11 responding to Miss Spizzirri's request for
 12 information; is that correct?
 13 A Yeah, it appears to be a response --
 14 well, it was forwarded to me -- I shouldn't say
 15 forwarded.
 16 What was sent to me was the contact
 17 information in regards to what appears to be Carol
 18 reaching out to the admin web -- excuse me -- the
 19 admin@webhsp.com requesting they contact me.
 20 Q And in the email at the top dated
 21 February 9, 2010, John Burns states, I have called
 22 Detective Martin and left a message and should
 23 speak with him today.
 24 Did you ever speak with John Burns?

1 A I don't recall if I actually spoke to
 2 him or not.
 3 Q I'm handing you Plaintiff's Deposition
 4 Exhibit 16, Spizzirri000001081.
 5 (A document was marked Plaintiff's
 6 Deposition Exhibit Martin No. 16
 7 for identification.)
 8 By Ms. Schwartz:
 9 Q Is this a true and accurate copy of an
 10 email you received on February 9, 2010 from
 11 admin@webhsp.com?
 12 A It appears to be.
 13 Q In Exhibit 16 John Burns, again of
 14 Web HSP says, it was nice speaking to you today.
 15 As discussed Web HSP does not have any of the log
 16 files you were needing for this case. When Carol
 17 canceled her account with Web HSP, those log files
 18 would have been destroyed when her VPS was removed
 19 from our server.
 20 Do you recall speaking to Mr. Burns and
 21 him telling you that he did not have log files
 22 related to the case?
 23 A I don't recall the conversation, but
 24 obviously I did, based upon the email that I

1 received.
 2 Q Do you know when Miss Spizzirri canceled
 3 her account with Web HSPC --
 4 A No.
 5 Q -- with Web HSP?
 6 A No, I do not.
 7 Q I'm handing you Plaintiff's Deposition
 8 Exhibit 17, Spizzirri000001073 to 77.
 9 (A document was marked Plaintiff's
 10 Deposition Exhibit Martin No. 17
 11 for identification.)
 12 MR. KAPLAN: 17?
 13 MS. SCHWARTZ: 17.
 14 By Ms. Schwartz:
 15 Q Is this a true and accurate copy of an
 16 email Carol Spizzirri sent you on February 14,
 17 2010?
 18 A It appears to be. It's similar to the
 19 one that we received.
 20 Q It appears she's forwarding you the
 21 May 4, 2006 email that we discussed earlier?
 22 A Correct.
 23 MR. KAPLAN: Exhibit 7.
 24 THE WITNESS: Exhibit 7.

1 By Ms. Schwartz:
 2 Q Which is Exhibit 7.
 3 She is forwarding that same email, now
 4 with subject line in the February 14, 2010 email,
 5 Annabel's footprints you may be looking for.
 6 Do you know why Carol Spizzirri sent you
 7 this email on February 14, 2010?
 8 A I have no idea why.
 9 Q You had already received this document,
 10 the embedded document dated May 4, 2006 from her?
 11 A Yes. Well, from somebody at Save a
 12 Life. I don't know it's from her. But this
 13 appears -- this Exhibit 17 has not only Exhibit 7,
 14 but the following pages are other exhibits that
 15 appear to be -- no. The other exhibits are
 16 included in here, some of that.
 17 Q Is one of them Exhibit 5 maybe?
 18 A Part of -- it looks like part of
 19 Exhibit 4, and then also part of the Exhibit 5, and
 20 again copied into Exhibit 6 it looks like.
 21 Q There are a number of emails included?
 22 A Well, it's I think the same text that's
 23 been copied throughout those previous exhibits. So
 24 not only is it the email from Tech Support -- or

1 tsupport@gmail.com, it's also the other emails that
 2 they -- were referenced in those other exhibits.
 3 Q I'm handing you Plaintiff's Deposition
 4 Exhibit 18, Spizzirri000001070.
 5 (A document was marked Plaintiff's
 6 Deposition Exhibit Martin No. 18
 7 for identification.)
 8 By Ms. Schwartz:
 9 Q Is Exhibit 18 a true and accurate copy
 10 of an email you received from Carol Spizzirri on
 11 February 21, 2010?
 12 A It appears to be.
 13 Q The subject line is may have the Annabel
 14 data you're looking for.
 15 What data were you looking for on or
 16 around February 21, 2010?
 17 A I -- the only data I was looking for in
 18 regards to her was contact information from
 19 Web HSP. I wasn't looking for any additional
 20 information other than that.
 21 Q So you don't know what she's referring
 22 to when she says may have the Annabel data you are
 23 looking for and then in the body of the email says
 24 while compiling all my Annabel's files for

1 Podlasek, I found seven pages from 4/28/06, paths
 2 for deleted files and time between 1:17 a.m. to
 3 3:25 a.m.
 4 Do you know what she's referring to
 5 then?
 6 A I could speculate as to the screenshots
 7 from the server showing the files and the modified
 8 access and created times.
 9 Q Did she send or fax you any additional
 10 information on or around February 21, 2010?
 11 A I don't recall if she did or not. I
 12 would assume that she did saying -- because the
 13 email says she's going to fax it.
 14 Q You requested records from Comcast and
 15 Yahoo as part of your investigation in 2006, did
 16 you not?
 17 A I did.
 18 Q I'm handing you Plaintiff's Deposition
 19 Exhibit 19, CCSAO 006572 to 74.
 20 (A document was marked Plaintiff's
 21 Deposition Exhibit Martin No. 19
 22 for identification.)
 23 By Ms. Schwartz:
 24 Q The first page of Exhibit 19 is a fax

1 cover sheet and the second two pages say at the top
 2 grand jury subpoena request.

3 Are these copies of two grand jury
 4 subpoena requests that you faxed to Comcast on
 5 May 31, 2006?

6 A They appear to be, yes.

7 Q And turning to the second and third
 8 pages of Exhibit 19, at the bottom is some
 9 handwriting.

10 Is that your handwriting?

11 A Yes.

12 Q Or just the second page rather is
 13 handwriting.

14 A Correct. Correct, the second page.

15 Q Did Kyle French send you a grand jury
 16 subpoena request form by email before you sent this
 17 to Comcast?

18 A He had sent some subpoenas to us. I
 19 don't know if it was this specific one, but he did
 20 send us some templets and...

21 Q What was the reason for Mr. French
 22 sending you subpoena templets?

23 MR. KAPLAN: Objection, calls for
 24 speculation.

1 Q We already talked this morning about the
 2 May 1, 2006 email forwarding.

3 Why did you think that the April 28,
 4 2006 alleged intrusion occurred using IP address
 5 24.15.202.102?

6 A It was based upon the -- what we
 7 believed to be the suspect's IP in relation to the
 8 other incident with the email. We were trying to
 9 show that the -- the device that had that IP was
 10 on-line at the time that the deletion occurred.

11 Q So you were trying to show that the 102
 12 address, that IP address was used on April 28, 2006
 13 at the time of the alleged intrusion?

14 A Yes.

15 Q At this time did you have any evidence
 16 that that IP address, the 102 address, was used to
 17 access SALF's servers in the early morning hours of
 18 April 28, 2006?

19 A I don't think we did at that point.

20 Q So the statement all of these incidents
 21 occurred on the internet using the internet
 22 protocol IP address of 24.15.202.102 was not
 23 accurate with respect to the April 28, 2006
 24 intrusion?

1 THE WITNESS: Just to provide assistance as
 2 far as what information needed to be contained in
 3 those documents to get the proper results.

4 By Ms. Schwartz:

5 Q Did -- was the narrative content on this
 6 Exhibit 19, did you draft that content or did Kyle
 7 French draft some of that content, or was it a
 8 joint effort?

9 A I don't recall. I would have typed this
 10 information in. I don't recall if it was language
 11 that he compiled or I compiled.

12 Q In the middle of the page, the second
 13 page of Exhibit 19, there is a section that says
 14 the facts briefly stated are as follows.

15 Turning to the very last sentence, all
 16 of these incidents occurred on the internet using
 17 the internet protocol IP address of 24.15.202.102
 18 at the above listed times. The IP address of
 19 24.15.202.102 belongs to Comcast Cable Company.

20 Does these incidents in the first
 21 sentence I just read refer to the April 28, 2006
 22 intrusion on SALF's servers and the May 1, 2006
 23 email forwarding?

24 A Yes, it relates to both.

1 A Correct.

2 Q I'm handing you Plaintiff's Deposition
 3 Exhibit 20, CCSAO 000214 to 215.

4 (A document was marked Plaintiff's
 5 Deposition Exhibit Martin No. 20
 6 for identification.)

7 By Ms. Schwartz:

8 Q Is this a true and accurate copy of a
 9 grand jury subpoena issued by the grand jury for
 10 records from Comcast IP Services?

11 A It appears to be, yes.

12 Q The subpoena requests information
 13 related to the 102 address we've been discussing;
 14 is that right?

15 A Correct.

16 Q And was filed with the grand jury
 17 May 25, 2006?

18 A Yes.

19 Q Did you present this to the grand jury
 20 or what was the process to get this filed by the
 21 grand jury?

22 A No. We just send our subpoenas to the
 23 Third District. They -- the subpoena request I
 24 should say goes to the Third District. They review

1 the request, and then they will take it to the
 2 grand jury and have it filed.
 3 Q By Third District, are you referring --
 4 A The Third District courthouse in
 5 Rolling Meadows.
 6 Q So it's an Assistant State's Attorney
 7 that would present this to the grand jury?
 8 A I believe so, yes.
 9 Q Did Comcast respond to this subpoena,
 10 Exhibit 20?
 11 A Yes, they did.
 12 Q I'm handing you Plaintiff's Deposition
 13 Exhibit 21, Melongo_004106 to 4116.
 14 (A document was marked Plaintiff's
 15 Deposition Exhibit Martin No. 21
 16 for identification.)
 17 By Ms. Schwartz:
 18 Q Is this a true and accurate copy of a
 19 fax you sent to Kyle French on June 6 -- June 5,
 20 2006, which included Comcast's response to the
 21 grand jury subpoena?
 22 A It appears to be.
 23 Q Would you turn to the third page of
 24 Exhibit 21, which is marked at the bottom

1 address 1218 East Long Valley Drive, Apartment 3A
 2 in Palatine. The representative wrote based on the
 3 information provided pursuant to the subpoena, we
 4 are unable to find any information responsive to
 5 the request.
 6 So Comcast also had no records for a
 7 Comcast internet services customer Annabel Melongo
 8 at that address for the dates requested; is that
 9 correct?
 10 A What -- what was determined days later,
 11 I forget what that -- it looks like according to my
 12 report, June 7th, I called them in regards to this
 13 response, and I was told something along the lines
 14 of is when they receive subpoena, the search
 15 parameters that are defined within the subpoena,
 16 that's what they put in.
 17 And so their records -- their search --
 18 I forget the word -- their search results would
 19 only show if those two parameters were met at the
 20 same time.
 21 Q In other words, the address and the name
 22 were both identified --
 23 A Together. They have to be together. So
 24 they would search both together. If it didn't

1 Melongo 4108. The Comcast representative who wrote
 2 this letter in response to the subpoena wrote
 3 regarding the 102 address, second paragraph,
 4 Comcast cannot identify the subscriber account
 5 associated with this request.
 6 Was it your understanding that Comcast
 7 was not able to locate subscriber information
 8 related to the 102 address we've been discussing?
 9 A Correct. It says the log files used to
 10 make subscriber account identifications were either
 11 incomplete or contained an error associated with
 12 the registration of the cable modem or other device
 13 in question.
 14 Q So they weren't able to produce any
 15 records in response to that particular request?
 16 A For those -- yeah, specific dates,
 17 yes.
 18 Q The specific dates were April 28, 2006
 19 and May 1, 2006?
 20 A Correct.
 21 Q Turning to the next page, Bates stamped
 22 at the bottom Melongo_004109, this is a letter from
 23 Comcast in response to the subpoena for internet
 24 subscriber records pertaining to Annabel Melongo,

1 associate that name with that address in a specific
 2 account, they wouldn't come back.
 3 So what they suggested we do is we would
 4 send -- they suggested we send separate subpoenas,
 5 one just for the name and see if that -- then they
 6 would search just the name, and then one just for
 7 the address and they would search just the
 8 address.
 9 Q Did you send separate subpoenas?
 10 A I sent the request. I don't believe
 11 they were ever sent out though.
 12 Q Did you ever determine whether
 13 Miss Annabel Melongo had a Comcast account in April
 14 or May of 2006?
 15 A We had no record from Comcast stating
 16 that, that's correct.
 17 Q You were involved in the preparation of
 18 a search warrant to search Miss Melongo's home in
 19 Palatine, were you not?
 20 A I was.
 21 Q What was your involvement with respect
 22 to the search warrant -- preparing the search
 23 warrant?
 24 A At that point I would have relied on

1 what Kyle French, offering his assistance in how to
 2 draft such a document and have the correct language
 3 in it. So he would have -- I believe he provided a
 4 templet for me to do so.

5 Q Did he provide any other assistance in
 6 terms of preparing the search warrant?

7 A I believe he was verifying some of the
 8 information as far as -- and the language in that
 9 with his supervisor. I don't recall who that was,
 10 but.

11 Q What information and language was Kyle
 12 French verifying?

13 A That I don't recall specifically.

14 Q How did you decide to seek a search
 15 warrant for Miss Melongo's home?

16 MR. KAPLAN: Object to the vagueness of the
 17 question.

18 THE WITNESS: That's what I mean, I don't know
 19 how to answer that.

20 By Ms. Schwartz:

21 Q Excuse me, why did you decide to seek a
 22 search warrant for Miss Melongo's home?

23 A Well, obviously we believed that there
 24 was a device there that potentially had evidence on

1 during that conversation?

2 A Other than what's written in the report
 3 about him in reference to getting the search
 4 warrant approved and signed by a judge and
 5 discussing potentially when to serve that
 6 warrant.

7 Q There is a reference in the portion I
 8 just read of Exhibit 3 to new information in the
 9 June 28, '06 entry.

10 What was the new information that French
 11 thought was potentially relevant?

12 A The Yahoo subpoena -- or search warrant
 13 response.

14 Q What about the Yahoo search warrant
 15 response was new information that was relevant to
 16 determining whether to get a search warrant for
 17 Miss Melongo's home?

18 A We believed that the response showed
 19 that the Yahoo account that was in question here of
 20 being involved in the incident was an account, you
 21 know, and the response showed that it was an
 22 account that was controlled by Miss Melongo. It
 23 showed the log-ins on or about, around the times
 24 that the alleged incidents occurred.

1 it or the apartment may contain evidence in
 2 relation to these crimes that had been alleged.

3 Q Were you specifically interested in any
 4 computers or electronic devices of
 5 Miss Melongo's?

6 A Yeah, and anything related to Save a
 7 Life at that -- that she might have been in
 8 possession of.

9 Q Turning your attention to your police
 10 report, Exhibit 3, the entry dated June 28, 2006.

11 A Okay.

12 Q It states, R/I faxed Yahoo's response to
 13 the search warrant to Mr. French. Later that day
 14 R/I spoke to Mr. French who stated that he reviewed
 15 the information that R/I had sent him with his
 16 boss. After reviewing the information, both he and
 17 his boss believed that with this information there
 18 was enough evidence against Miss Melongo for a
 19 search warrant for her home could be issued.

20 Did you speak with Mr. French on
 21 June 28, 2006?

22 A I did.

23 Q Apart from what I just read and that's
 24 listed in Exhibit 3, do you recall what was said

1 It showed -- it captured the IP
 2 addresses of the device that were used to access
 3 that account, and provided some -- I believe it had
 4 some documents in regards to what was contained in
 5 what Yahoo calls their briefcase, which is like an
 6 on-line storage for documents.

7 Q If you turn to the entry dated July 10,
 8 2006 on Exhibit 3, it states, the second sentence
 9 of that entry, Mr. French stated that his boss
 10 reviewed his initial draft and stated that it
 11 needed more information in it. R/I then emailed
 12 Mr. French a copy of this report for him to refer
 13 to for the required information. Mr. French stated
 14 that he would attempt to get R/I the search warrant
 15 by 14 July 2006.

16 This suggests that Kyle French drafted
 17 some part of the search warrant; is that true?

18 A Yes.

19 Q What portions of the search warrant did
 20 Mr. French draft?

21 A I don't recall what specific portions he
 22 may have drafted.

23 Q The passage I just read of Exhibit 3
 24 said -- states that Mr. French said his boss

1 indicated that the search warrant needed more
2 information.

3 Do you know what that information was
4 that was needed?

5 A I think -- I don't know specifically
6 what information he was looking for. I know that
7 he requested a copy of my report, up to the point
8 that the request was made. So he --

9 Q By your report, you mean your police
10 report?

11 A Yes, the supplemental report up to that
12 point was sent -- a copy was sent to him. So I
13 don't know what specific information within that
14 report he was looking for.

15 Q I'm handing you Plaintiff's Deposition
16 Exhibit 22, Attorney General 001171 to 1181.

17 (A document was marked Plaintiff's
18 Deposition Exhibit Martin No. 22
19 for identification.)

20 By Ms. Schwartz:

21 Q Exhibit 22 has certain identifying
22 information and addresses redacted.

23 A Apart from the redactions, is Exhibit 22
24 a true and accurate copy of the search warrant for

1 Inc., (Yahoo) email account
2 melongo_annabel@yahoo.com using the internet
3 protocol (IP) address 24.15.202.102.

4 Are the email server logs referenced in
5 that sentence I just read --

6 A They are.

7 Q -- the Tech Support -- sorry.

8 Are the email server logs referenced in
9 that sentence I just read, is that the Tech Support
10 email you testified about earlier or is that
11 something else?

12 A No, it's the Tech Support email.

13 Q The actual server logs from Web HSP were
14 never sent to Schiller Park, correct?

15 A Correct.

16 Q Why did you refer to the Tech Support,
17 tsupport@gmail.com as an email server log?

18 A It was just a misstatement.

19 Q This page of Exhibit --

20 A Yeah --

21 Q -- 22 contained a misstatement about --

22 A Well, --

23 Q -- whether that was the server logs?

24 A -- the email itself contained excerpts

1 Miss Melongo's home and complaint for search
2 warrant?

3 A It appears to be.

4 Q And the first page is the actual search
5 warrant and all the remaining pages are the
6 complaint for search warrant; is that correct?

7 A Yes. Except for the last page, which is
8 an attachment, listed attachment A.

9 Q And on the complaint for search warrant
10 pages, is that your signature on the bottom?

11 A Complaint, yes. On the complaint,
12 yes.

13 Q And this is a sworn statement by you for
14 the purpose of seeking the issuance of a search
15 warrant?

16 A Yes.

17 Q I would like to turn your attention to
18 the fourth page of the complaint for search
19 warrant, also Bates numbered Attorney
20 General 001175.

21 Look at the bottom of the second full
22 paragraph of that page, it states, according to
23 email server logs, the intruder forwarded email
24 from Miss Spizzirri's email account to the Yahoo,

1 from those logs, so that's what I was referring to,
2 but where we got it from was this Tech Support
3 email.

4 Q On the next page, which is page 5 of the
5 search warrant complaint, identified as Attorney
6 General 001176, it states additionally and
7 according to server records provided by Yahoo, the
8 same IP address used by the intruder to access Save
9 a Life's servers on or about April 28, 2006 from
10 approximately 1:32 a.m. through 3:25 a.m.,
11 (i.e., 24.15.202.102), was used to access the Yahoo
12 account Melongo_Annabel over 25 times between
13 April 8, 2006 and May 9, 2006.

14 What evidence was there that that 102 IP
15 address was used to access Save a Life servers on
16 April 28, 2006?

17 A I don't believe we had any at that
18 point.

19 Q So it's not accurate to say that that IP
20 address, the 102 address, was used by the intruder
21 on April 28, 2006?

22 A Correct.

23 Q This Exhibit 22 was signed by a Judge,
24 correct? The search warrant --

1 A Yes.
 2 Q -- was signed by a Judge?
 3 A Yes.
 4 Q After the search warrant was signed by a
 5 Judge, what did you do in terms of preparation for
 6 executing the search warrant?
 7 A Other than talking to Mr. French and
 8 having him help us set up the forensic examiners to
 9 join in the search, that was probably about it.
 10 Q You testified that certain forensic
 11 examiners joined you in the search?
 12 A Correct.
 13 Q Who were those forensic examiners?
 14 A Shahna Monge and Amber, I think it's
 15 pronounced Haqqani.
 16 Q Other than you, Shahna Monge and Amber
 17 Haqqani was anyone else present when you executed
 18 the search warrant at Miss Melongo's home?
 19 A Yeah, my partner at the time
 20 Detective Koch, which is spelled K-o-c-h.
 21 Q Was anyone else present?
 22 A No, not at the time of the search, no.
 23 Q You were present for the execution of
 24 the search warrant, correct?

1 A Yes.
 2 Q Why were the forensic examiners,
 3 Miss Monge and Miss Haqqani present for the
 4 execution of the search warrant?
 5 A We were searching for electronic
 6 evidence, and based upon their experience, and they
 7 had more experience than I did at the time in
 8 regards to what information -- or what types of
 9 devices to look for and possible recovery of
 10 evidence from those devices.
 11 Q Whose decision was it that Amber Haqqani
 12 and Shahna Monge would join for the execution of
 13 the search warrant?
 14 A I believe the offer was made by
 15 Mr. French to say hey, you know, we have this
 16 available to us if you want to use them. And I of
 17 course said yes, because of what we were looking
 18 for.
 19 Q The search warrant was executed on
 20 July 20, 2006; is that correct?
 21 A Yes.
 22 Q Did you speak with Annabel Melongo
 23 during the execution of the search warrant?
 24 A I did.

1 Q Where did that conversation take
 2 place?
 3 A In her apartment.
 4 Q Where in her apartment did the
 5 conversation take place?
 6 A I believe it was the kitchen.
 7 Q And while you were speaking to
 8 Miss Melongo, where were the others, Miss Haqqani,
 9 Miss Monge and is it Detective Koch?
 10 A Correct. The forensic examiners or the
 11 Attorney General's personnel were searching the
 12 apartment while myself and Detective Koch spoke
 13 with Miss Melongo.
 14 (At this point in the deposition
 15 Mr. Shakman entered the room.)
 16 By Ms. Schwartz:
 17 Q You testified you and Detective Koch
 18 were in Miss Melongo's kitchen when you spoke to
 19 her?
 20 A Correct.
 21 Q Did you read Miss Melongo her Miranda
 22 warnings before you spoke to her?
 23 A I did.
 24 Q What was said during that conversation

1 with Miss Melongo on July 20, 2006?
 2 A Just the -- you know, the summary is
 3 listed here in the report, but basically, you know,
 4 she was read her Miranda. She initialed and signed
 5 the form that we have saying that she agreed to
 6 speak to me without her attorney present.
 7 She stated that she had gone to
 8 Save a Life on -- excuse me -- on Monday April, 27,
 9 2006 to pick up her paycheck. She overheard that
 10 the company was having computer problems and she
 11 offered her assistance.
 12 At that point, Miss Spizzirri accused
 13 her of causing the problem. Miss Melongo denied
 14 the allegations, and she only offered to help
 15 because her replacement was not qualified as
 16 Miss Melongo -- I'm sorry -- as Miss Melongo
 17 alleged with the computers.
 18 She continued to state that she was an
 19 employee there at Save a Life, and at the time she
 20 had job titles of assistant administrator, web
 21 designer and programmer. Part of her job duties
 22 were to access -- or she had access to all of the
 23 passwords for the Save a Life employees, access to
 24 the web server and all the company passwords.

1 Miss Melongo also admitted to accessing
 2 the server to get her emails for up to two weeks.
 3 She provided I believe the dates of 2007 -- '06 to
 4 May 14th of 06. She claimed that after her exit
 5 interview on April 27th of '06, she was checking
 6 only her Save a Life email account and did not
 7 change any settings or system passwords at that
 8 point.

9 She also admitted to viewing
 10 Miss Spizzirri's emails in which Miss Spizzirri
 11 blamed Miss Melongo for the problems that Save a
 12 Life was having with their computer system.

13 After she viewed those she emails,
 14 Miss Melongo had forwarded those emails to her
 15 Yahoo email account melongo_annabel@yahoo and she
 16 claimed that no one else accesses her Yahoo account
 17 but her.

18 Do you want me to continue on with her
 19 statement?

20 Q So you're reading from Exhibit 3, which
 21 is your police report; is that right?

22 A Correct.

23 Q And that's a documentation you made of
 24 the conversation you had with Miss Melongo?

1 A No, he did not.
 2 Q He did not?
 3 A No.
 4 Q Miss Melongo did not sign a written
 5 statement reflecting the content of your
 6 conversation; is that true?

7 A No, --
 8 Q Did you ask --
 9 A -- no, she did not. I'm sorry. Go
 10 ahead.

11 Q Go ahead.
 12 A No, she did not.
 13 Q Did you ask her to sign a written
 14 statement?

15 A No.
 16 Q Why not?
 17 A It wasn't something that we did. The
 18 State's Attorney's Office around that time was
 19 hesitant to take written statements from anyone in
 20 any case.

21 Q Do you know why the State's Attorney was
 22 hesitant?

23 A No, I do not.

24 Q Did you make any notes regarding your

1 A Yeah, it's a summary of what she said.
 2 Q Do you independently remember anything
 3 about the conversation with Miss Melongo on
 4 July 20, 2006 separate from reading your report?

5 A No.

6 Q Do you recall anything you said to
 7 Miss Melongo during that conversation?

8 A Nothing specifically, no.

9 Q And you don't recall anything she said
 10 to you on July 20, 2006?

11 A Other than what's documented here, no.

12 Q And you remember what's documented here
 13 because it's in this written report?

14 A Yes.

15 Q You testified that Detective Koch was
 16 also present when Miss Melongo was interviewed by
 17 you; is that correct?

18 A Correct.

19 Q Do you recall anything he said to
 20 Miss Melongo during that conversation?

21 A No, I do not.

22 Q Did Detective Koch take any independent
 23 notes or make any separate report apart from your
 24 report, Exhibit 3?

1 conversation with Miss Melongo on July 20, 2006
 2 apart from what's in Exhibit 3?

3 A No, I didn't.

4 Q Apart from what you've testified to
 5 today, and what's listed in Exhibit 3, do you have
 6 any other recollection of what Miss Melongo told
 7 you on July 20, 2006?

8 A No, I do not.

9 Q Now, this isn't the first time you've
 10 been asked to testify under oath about
 11 Miss Melongo's statements on July 20, 2006,
 12 correct?

13 A Correct.

14 Q You testified before two grand juries
 15 both in January of 20 -- 2007 and May 2008,
 16 correct?

17 A I believe the years are correct. I
 18 don't recall the month.

19 Q And in both grand juries at which you
 20 testified you gave testimony about Miss Melongo's
 21 statements to you on July 20, 2006?

22 A I did.

23 Q I'm handing you Plaintiff's Deposition
 24 Exhibit 23, which is Bates numbered Melongo_005982

1 to 5995.

2 (A document was marked Plaintiff's
3 Deposition Exhibit Martin No. 23
4 for identification.)

5 By Ms. Schwartz:

6 Q Before we discuss Exhibit 23 in detail,
7 I want to ask you one additional question about
8 Exhibit 3, your police report.

9 A Okay.

10 Q When did you prepare Exhibit 3, the
11 contents of Exhibit 3?

12 A In its entirety?

13 Q Let's start, when did you finish
14 Exhibit 3? When was it finalized?

15 A Specifically, I don't know the exact
16 date that it was finalized, but the date that I --
17 how to put this -- our reporting system doesn't
18 show the exact time of -- it's this entry here at
19 the top of Exhibit 3, where it says date and time
20 of the report, 30 october 2006, 1530, that is what
21 I would say is the time that I completed it, as far
22 as the -- or I began to type this report.

23 The report summary -- I shouldn't say
24 summary, but the report that was requested by

1 A Well, I would review it, the contents of
2 it prior to submitting it to -- for approval to my
3 boss.

4 Q In terms of this entry dated July 20,
5 2006 that we've been discussing, the content of the
6 July 20, 2006 entry, when did you write that
7 content?

8 A I don't know the specific day, but more
9 than likely it was done that day or the following
10 day.

11 Q Did you make any edits to it before
12 Exhibit 3 was finalized?

13 A As far as the -- edits as in what's
14 listed here? I'm not understanding the question as
15 far as edits.

16 Q So after -- you testified that on or
17 shortly after July 20, 2006 you wrote the narrative
18 content that makes up this July 20, 2006 entry,
19 correct?

20 A Correct.

21 Q After you wrote up that content on or
22 around July 20, 2006, after that did you make any
23 edits or changes to that July 20th entry?

24 A I don't recall that I did, and I would

1 Mr. French prior to that, I forget what day it was,
2 in regards to the search warrant for the home --
3 Miss Melongo's home, that was a partial of this. I
4 don't recall if I -- there wasn't -- there wouldn't
5 be a date on it. Like I wouldn't have put a date
6 on the top. I would have just sent him a copy of
7 what I had at that point, and then I would continue
8 on later on with the report and then I would put
9 the date on it when I would actually print it and
10 submit it.

11 Q So each of these dated entries starting
12 with May 5, 2006 and ending with October 30, 2006,
13 did you draft that particular narrative content on
14 the day of the entry or after the fact?

15 A In or around that day. It may not have
16 been that specific day, but within a day or two
17 potentially of that being written.

18 Q And when the report was finalized, some
19 time around October 30, 2006, did you go back
20 through and make any edits, corrections to the
21 earlier parts of the report?

22 A Once it was finalized, no.

23 Q Did you do that just before it was
24 finalized?

1 say no. I wouldn't normally, no. Other than a
2 typo or something like that, I wouldn't edit it,
3 the content of it.

4 Q After Exhibit 3 was finalized on Oc --
5 on or around October 30, 2006, were any changes
6 made to Exhibit 3?

7 A Once it was finalized and submitted, no,
8 no changes were made.

9 Q So Exhibit 3 has been -- not been
10 altered since around October 30, 2006?

11 A To my knowledge, no.

12 Q Let's turn back to Exhibit 23, which is
13 a transcript from the grand jury proceeding dated
14 May 28, 2008.

15 You appeared before the grand jury on
16 May 2008 -- May 28, 2008; is that correct?

17 A Yes.

18 Q And is this a -- Exhibit 23 a true and
19 accurate copy of the transcript from the
20 proceedings that day?

21 A It appears to be.

22 Q And during the grand jury proceedings
23 you were under oath; is that correct?

24 A I was.

1 Q And Robert Podlasek asked you some
 2 questions on that date?
 3 A He did.
 4 Q So I would like to turn your attention
 5 to page 10 of Exhibit 23. On page 10, Robert
 6 Podlasek asked you the following questions and you
 7 gave the following answers:
 8 Question, What did Miss Melongo say
 9 about the email accounts?
 10 Answer, She claimed that she had access
 11 because she was the administrator for the
 12 company.
 13 Question, Did she indicate that she was
 14 only trying to check out her email accounts?
 15 Answer, Yes.
 16 And did she also indicate to you during
 17 this conversation that the emails from Carol
 18 Spizzirri were actually forwarded to her by
 19 another employee?
 20 Answer, That was her excuse, yes.
 21 You remember being asked those questions
 22 and giving those answers in May of 2008?
 23 A I do.
 24 Q In your grand jury testimony that I just

1 from her.
 2 By Ms. Schwartz:
 3 Q That question you read does not
 4 specifically relate to what Miss Melongo told you
 5 on July 20 of 2006, correct?
 6 A In that context, no. It doesn't say
 7 that it was from -- that information was obtained
 8 from something Miss Melongo had said.
 9 Q Detective Martin, I'm handing you
 10 Plaintiff's Deposition Exhibit 23, Melongo --
 11 MR. KAPLAN: 24?
 12 MS. SCHWARTZ: 24, excuse me. Melongo_003387
 13 to 3397.
 14 (A document was marked Plaintiff's
 15 Deposition Exhibit Martin No. 24
 16 for identification.)
 17 By Ms. Schwartz:
 18 Q Detective Martin, you also appeared
 19 before the grand jury on January 17, 2007; is that
 20 correct?
 21 A Yes, I did.
 22 Q Is Exhibit 24 a true and accurate copy
 23 of a transcript of the grand jury proceedings that
 24 day, January 17, 2007?

1 read from May 2008, you did not testify that
 2 Miss Melongo admitted to forwarding Carol
 3 Spizzirri's email -- emails, correct?
 4 A Can you repeat that again?
 5 (The record was read.)
 6 THE WITNESS: Not in that page, no.
 7 By Ms. Schwartz:
 8 Q And you did not testify anywhere in this
 9 grand jury proceeding that Miss Melongo had
 10 admitted to forwarding Carol Spizzirri's email --
 11 emails, correct?
 12 A Without reviewing it, I don't think so.
 13 Q I'll give you a moment.
 14 MR. KAPLAN: Could you read back the question
 15 that's currently pending?
 16 (The record was read.)
 17 THE WITNESS: On page 9 there is a reference
 18 to:
 19 Question, Some time on or about May 1,
 20 2006, did Miss Melongo also access the email
 21 accounts of Carol Spizzirri?
 22 Yes.
 23 It's kind of in reference to what was
 24 stated, but not specifically saying it's coming

1 A It appears to be.
 2 Q And on January 17, 2007 you were under
 3 oath, correct?
 4 A I was.
 5 Q And Robert Podlasek asked you questions
 6 and you gave answers, correct?
 7 A Yes.
 8 Q I would like to turn your attention to
 9 page 7 of Exhibit 24. At page 7 Robert Podlasek
 10 asked you the following questions and you gave the
 11 following answers:
 12 Question, And what did Miss Melongo say
 13 about the email accounts?
 14 Answer, She said that she had gone into
 15 the email server to check her own account and
 16 claimed that the emails were forwarded to her
 17 by another employee.
 18 Do you remember being asked those
 19 questions and giving those answers in January of
 20 2007?
 21 A I do.
 22 Q In your grand jury testimony in
 23 January 2007, you did not testify that
 24 Miss Melongo admitted to forwarding any emails

1 from Carol Spizzirri's account?

2 A No, I don't believe I was ever asked
3 about that.

4 Q In the portion of the grand jury
5 testimony I just read, you testified that
6 Miss Melongo told you that the emails were
7 forwarded to her by another employee, correct?

8 A Yes.

9 Q Your grand jury testimony regarding
10 Miss Melongo's statements to you was inconsistent
11 with the statement we reviewed in Exhibit 3, your
12 police report, correct?

13 MR. KAPLAN: Hold on a second.

14 Can you repeat that question, please?
15 (The record was read.)

16 MR. KAPLAN: I would object. I think that
17 it's argumentative and it's -- assumes facts that
18 are not in evidence.

19 Go ahead and answer, if you can
20 answer.

21 THE WITNESS: The statement as far as the
22 emails being forwarded to her by another employee
23 is not -- I don't believe is in the report. I
24 believe we got that information from the email that

1 did tell you she forwarded the accounts?

2 A Uh-huh.

3 MR. KAPLAN: That's yes?

4 THE WITNESS: Yes. I'm sorry.

5 By Ms. Schwartz:

6 Q But that's not what you said in the 2007
7 and 2008 grand jury, correct?

8 MR. KAPLAN: Objection. He testified that
9 wasn't asked of him in either of those hearings.

10 THE WITNESS: That's correct, I was never
11 asked specifically the question of whether or not
12 she admitted to viewing those emails.

13 By Ms. Schwartz:

14 Q But you did not testify at either grand
15 jury that Miss Melongo admitted to forwarding
16 Miss Spizzirri's email, correct?

17 A No, I was never asked that question.

18 Q Did Robert Podlasek, Julie Gunnigle or
19 anyone else ever ask you about that July 20, 2006
20 conversation with Miss Melongo and her statement to
21 you about forwarding Miss Spizzirri's emails?

22 A I'm sure we discussed it. I don't
23 specifically know what questions were asked of me,
24 but I'm sure we discussed it.

1 she had sent to Miss Spizzirri saying that they
2 were forwarded to her.

3 By Ms. Schwartz:

4 Q So are you testifying today that
5 Miss Melongo did not tell you that she forwarded
6 Miss Spizzirri's emails from Miss Spizzirri's email
7 account to her own email account?

8 A She didn't specifically say that to me,
9 no, not that I recall.

10 Q I'd like to turn your attention to
11 Exhibit 3, your police report, page 8. At the top
12 it says Miss Melongo also admitted to viewing
13 Miss Spizzirri's emails in which Miss Spizzirri
14 blamed Miss Melongo for the problems SALF was
15 having with their computer systems. After she
16 reviewed those emails, Miss Melongo then forwarded
17 those emails to her Yahoo email account,
18 melongo_annabel@yahoo.com.

19 Is it your testimony that Miss Melongo
20 did not tell you she forwarded emails from
21 Miss Spizzirri's account to her Yahoo email
22 account?

23 A She did say, that's what -- I wrote it.

24 Q So your testimony is that Miss Melongo

1 Q Did Robert Podlasek, Julie Gunnigle or
2 anyone else ever express any concern that you
3 hadn't testified that Miss Melongo admitted to
4 forwarding the emails at the grand jury?

5 A No.

6 Q Do you recall any conversations with
7 Robert Podlasek, Julie Gunnigle or any other
8 Assistant State's Attorney about your conversation
9 with Miss Melongo on July 20, 2006?

10 A Other than in reviewing it for testimony
11 purposes, no.

12 Q When you say reviewing it for testimony
13 purposes, what do you mean?

14 A Well, I testified both at the grand
15 juries and the perjury hearing, so I would -- you
16 know, we discussed what was written in the report
17 and what her statements were to me at that time.

18 Q So did you discuss with Robert Podlasek
19 your conversation with Miss Melongo on July 20,
20 2006, before the January 2007 grand jury?

21 A Not that I recall. Perhaps we may have,
22 but I don't recall.

23 Q Did you discuss with Robert Podlasek
24 the statements Miss Melongo made to you on

1 July 20, 2006 before the May 2008 grand jury?
 2 A In review for it, yes.
 3 Q What do you recall about those
 4 conversations with Mr. Podlasek?
 5 A I don't recall specifically any details
 6 about the conversation other than, you know,
 7 reviewing it for testimony purposes.
 8 Q Did you discuss your conversation with
 9 Miss Melongo on July 20, 2006 with Mr. Podlasek or
 10 Julie Gunnigle or anyone else prior to the
 11 October 2012 motion to dismiss hearing?
 12 A I don't recall being called for that.
 13 If I was called to testify in that, it would have
 14 been the same thing, I would have, you know,
 15 prepped for my testimony at that point, discussed
 16 it then.
 17 Q You testified about a perjury hearing.
 18 What were you alluding to when you
 19 testified about the perjury hearing?
 20 A There was a hearing in front of -- I
 21 believe it was Judge Goebel in regards to whether
 22 or not I committed grand -- perjury at these grand
 23 jury testimony.
 24 Q When was that hearing? When did that

1 A It is not.
 2 Q Do you know whose handwriting it is on
 3 Exhibit 25?
 4 MR. KAPLAN: Do you know?
 5 THE WITNESS: No.
 6 By Ms. Schwartz:
 7 Q Did you recover any evidence during the
 8 execution of the search warrant on July 20, 2006 at
 9 Miss Melongo's home?
 10 A Yes, there were items recovered as far
 11 as I...
 12 Q What did you do with those items that
 13 were recovered?
 14 A They were initially brought back to the
 15 Schiller Park Police Department and then the next
 16 day myself and Detective Koch transported them
 17 to -- there is a mistake in the report. I don't
 18 think it's regional computer forensic lab, but we
 19 transported them to 188 East Randolph and gave --
 20 turned the evidence over to Miss Monge and
 21 Miss Haqqani.
 22 The -- I'm sorry, let me clarify. The
 23 electronic evidence that were going to be
 24 forensically analyzed were provided to her. The

1 take place?
 2 A I don't recall.
 3 I think his name is spelled G-o-e-b-e-l.
 4 MS. SCHWARTZ: Let's take a five minute break.
 5 (A recess was taken.)
 6 (At this point in the deposition
 7 Mr. Shakman left the room.)
 8 By Ms. Schwartz:
 9 Q Detective Martin, I'm showing you
 10 Plaintiff's Deposition Exhibit --
 11 A 25.
 12 Q -- 25, which is AG, Attorney
 13 General 001872.
 14 Did I hand somebody a highlighted one?
 15 No.
 16 (A document was marked Plaintiff's
 17 Deposition Exhibit Martin No. 25
 18 for identification.)
 19 By Ms. Schwartz:
 20 Q Detective Martin, do you recognize
 21 Exhibit 25?
 22 A No, I do not.
 23 Q Is that your handwriting on
 24 Exhibit 25?

1 other items stayed in Schiller Park.
 2 Q And the -- what you were just reading,
 3 you said there might be a mis -- a typo or mistake,
 4 was Exhibit 3 of your police report?
 5 A Correct. Where it says the regional
 6 computer forensic lab --
 7 MR. KAPLAN: What page?
 8 THE WITNESS: The bottom of page 8 of the
 9 report, which --
 10 MR. WUNDER: 5222.
 11 THE WITNESS: -- would be 5222, where it says
 12 it was transported to a particular address and the
 13 regional computer forensic lab, I don't believe
 14 that's their address. I think it's -- I can't
 15 think of the exact address, but I don't think
 16 it's -- I don't recall it being at the forensic --
 17 computer forensic -- regional computer forensic
 18 lab, which is run by the FBI.
 19 By Ms. Schwartz:
 20 Q I'm handing you Exhibit 26, Attorney
 21 General 001169 to 70.
 22 (A document was marked Plaintiff's
 23 Deposition Exhibit Martin No. 26
 24 for identification.)

1 By Ms. Schwartz:
 2 Q Does Exhibit 26 list what was recovered
 3 during the execution of the search warrant on
 4 Miss Melongo's home? I'm specifically looking at
 5 the second --
 6 A Yeah.
 7 Q -- page of Exhibit 26.
 8 A Page 2 does list items that were
 9 recovered. To the best of my knowledge this is
 10 everything that was seized.
 11 Q And that's your signature at the
 12 bottom?
 13 A Yes, electronically.
 14 Q And did you prepare this list on
 15 Exhibit 26?
 16 A I did.
 17 Q I'm showing you what's marked
 18 Plaintiff's Deposition Exhibit 27, CCSAO 008496 to
 19 8498.
 20 (A document was marked Plaintiff's
 21 Deposition Exhibit Martin No. 27
 22 for identification.)
 23 By Ms. Schwartz:
 24 Q Do you recognize Exhibit 27?

1 right column on page 1 and page 2, starting with
 2 AAA through GGG, --
 3 A Uh-huh.
 4 Q -- do those correspond to the letters on
 5 the second page of Exhibit 26?
 6 A It appears so, yes.
 7 Q What's the purpose of Exhibit 27, the
 8 chain of custody form?
 9 A To basically document the date and time
 10 and the specific items that were basically taken
 11 out of -- out of Schiller Park's control and secure
 12 facility and provided to another agency, in this
 13 case the High Tech Crimes Bureau.
 14 Q Based on your knowledge was forensic
 15 examination done on the computers that were seized
 16 from Miss Melongo's home?
 17 A Yes.
 18 Q Who did that forensic examination?
 19 A I believe it was Shahna Monge.
 20 Q Were you aware that Shahna Monge's last
 21 name is now Voita?
 22 A I read that in one of the deposition
 23 papers.
 24 Q So if I refer to Miss Voita, it's the

1 A I do.
 2 Q Is it a chain of custody form showing
 3 transfer of some of the evidence that was collected
 4 from Miss Melongo's home to Miss Monge?
 5 A Yes. This is our submission to her.
 6 Q I'm looking at the second page of
 7 Exhibit 27.
 8 Is that your signature at the bottom
 9 underneath the words chain of custody?
 10 A Yes.
 11 Q And this represents that you turned over
 12 evidence from your possession to Miss Monge on
 13 7/21/06?
 14 A Yes.
 15 Q And that included among other things two
 16 computers, a gray tower and a black laptop?
 17 A Yes.
 18 Q Those were computers that were seized
 19 from Miss Melongo's home?
 20 A Yes.
 21 Q Is that your handwriting on the first
 22 page of Exhibit 27 and the second page?
 23 A No, that's not.
 24 Q On Exhibit 27, the letters in the far

1 same person, Shahna Monge?
 2 A Yes.
 3 Q Miss Voita worked at the Illinois
 4 Attorney General Office's High Tech Crimes Unit,
 5 correct?
 6 A Correct.
 7 Q Did you speak with Miss Voita before she
 8 began her analysis of Miss Melongo's computers?
 9 A Yes.
 10 Q What did you discuss with Miss Voita?
 11 A At what point?
 12 Q Prior to her analysis of Miss Melongo's
 13 computers.
 14 A So in reference -- the discussion you
 15 are referring to, you want me to talk about, is
 16 just the forensic analysis portion?
 17 Q Did you discuss Miss Voita's forensic
 18 analysis before she started working on that
 19 analysis?
 20 A Yes, I did.
 21 Q What was the content of those
 22 conversation?
 23 A Basically providing her some information
 24 about the case and some of the items potentially,

1 the search warrant and evidence -- evidence --
 2 items of evidentiary value to the case.
 3 Q What items of evidentiary value did you
 4 provide her?
 5 A I believe I provided the search terms of
 6 Save a Life or SALF, anything relating to the 102
 7 address -- IP address. I don't recall if there
 8 were any others. There may have been, but I don't
 9 know.
 10 Q Those were search terms that you gave to
 11 Miss Voita?
 12 A Yeah, in reference to what some of the
 13 things we might have been looking for, we wanted to
 14 be able to have those be bookmarked within her
 15 analysis.
 16 Q So she would be able to specifically
 17 look for those terms within the contents of
 18 Miss Melongo's computers?
 19 A Correct, and she had a -- she knew the
 20 nature of the allegation being made, so she knew to
 21 look for emails and evidence of network intrusion,
 22 so to speak.
 23 Q Did you tell Miss Voita anything else
 24 before she started her forensic examination about

1 A I believe I spoke to Mr. French about
 2 it. I'm sure I spoke to the State's Attorney's
 3 Office about it.
 4 Q Do you recall your conversations with
 5 Mr. French about Miss Voita's analysis?
 6 A Nothing specifically other than -- I
 7 don't recall if I gave him a copy of the forensic
 8 summary or not. Nothing stands out, no.
 9 Q You referred to a forensic summary.
 10 Was that a report generated by
 11 Miss Voita?
 12 A It was.
 13 Q And you reviewed that forensic summary
 14 generated by Miss Voita?
 15 A I did.
 16 Q I'm handing you Plaintiff's Deposition
 17 Exhibit, it will be 28, CCSAO 003387 to 3391.
 18 (A document was marked Plaintiff's
 19 Deposition Exhibit Martin No. 28
 20 for identification.)
 21 MR. KAPLAN: 28?
 22 MS. SCHWARTZ: 28.
 23 By Ms. Schwartz:
 24 Q Exhibit 28 has a cover letter followed

1 her forensic exam?
 2 A No, not that I recall.
 3 Q Did she ask you any questions before she
 4 started her forensic examination?
 5 A Not that I recall.
 6 Q You testified that the search terms were
 7 SALF, Save a Life, anything related to the 102
 8 address we've been discussing.
 9 Do you recall any other search terms?
 10 A No, not off the top of my head.
 11 Q Did you talk to Miss Voita about her
 12 analysis while she was working on the forensic
 13 analysis?
 14 A I don't recall if there was any
 15 conversation during the analysis.
 16 Q Did you talk to Miss Voita about her
 17 analysis after it was finalized?
 18 A Other than her saying, you know, it's
 19 complete, come down and pick up your evidence and
 20 provide me, you know, a copy of the -- her forensic
 21 report, that was all I remember.
 22 Q Do you recall discussing Miss Voita's
 23 forensic analysis with anyone else other than
 24 Miss Voita?

1 by a document entitled at the top Office of the
 2 Attorney General, High Tech Crimes Bureau, Regional
 3 Computer Forensics Lab - Chicago.
 4 Is this the forensics summary to which
 5 you just referred?
 6 A Yes.
 7 Q The cover letter is dated September 26,
 8 2006. It says Dear Detective Martin, and then it's
 9 from Shahna Monge, whose name is now Shahna Voita.
 10 In September -- did you receive
 11 Miss Voita's report on September 26, 2006?
 12 A I don't recall if I got it that specific
 13 day. Let me just see when we got it. The 28th she
 14 contacted me, said the analysis was complete and
 15 the items were ready for -- to be returned to
 16 Schiller Park.
 17 Q So based on your police report,
 18 Exhibit 3, you received this document, Exhibit 28,
 19 on September 28th?
 20 A Correct.
 21 Q From Exhibit 28, she says she included a
 22 CD with the report of the forensic examination and
 23 hyperlinks of the findings.
 24 Did you also receive a CD from

1 Miss Voita?
 2 A I did.
 3 Q Did you review everything on the CD or
 4 did you just review the forensic summary?
 5 A I reviewed, yes.
 6 Q Did you have any conversation about the
 7 forensic report with Miss Voita on September 28th,
 8 the date you just mentioned when you picked up the
 9 report?
 10 A No, I don't recall, other than here's
 11 your stuff.
 12 Q I'm handing you the giant one, which is
 13 Plaintiff's Deposition Exhibit 28.
 14 MR. WUNDER: 29.
 15 THE WITNESS: 29.
 16 MS. SCHWARTZ: 29, excuse me. So it's a very
 17 long document starting Melongo_003423 to 003693,
 18 and this version to save paper, we also used for
 19 Miss Gunnigle's deposition.
 20 (A discussion was had off the
 21 record.)
 22 By Ms. Schwartz:
 23 Q It will be Martin 29. I'll represent to
 24 you it's the same exact document that was used in

1 Gunnigle, Gunnigle's deposition.
 2 (A document was marked Plaintiff's
 3 Deposition Exhibit Martin No. 29
 4 for identification.)
 5 MS. SCHWARTZ: So Detective Martin's copy is
 6 single-sided. All the other ones I printed are
 7 double-sided.
 8 By Ms. Schwartz:
 9 Q Did you review Exhibit 29,
 10 Detective Martin?
 11 A It appears to be the forensic report.
 12 Q Is this -- without going through every
 13 page, is this the long forensic report that Shahna
 14 Voita sent you on September 28, 2006?
 15 A It appears to be, yes.
 16 Q I will not ask you to read every single
 17 page.
 18 A Thank God.
 19 Q Let's focus on Exhibit 28, the short
 20 forensic report summary.
 21 A Okay.
 22 Q First let me ask you a more general
 23 question.
 24 These two reports, Exhibit 28 and 29,

1 after reviewing these reports in 2006, what did you
 2 determine that they showed with respect to the
 3 Save a Life allegations?
 4 A In going through the summary, things
 5 that stood out to me were the fact that she had
 6 this program called Go To My PC, which is a remote
 7 access program.
 8 The cookie file that had the Comcast IP
 9 ending in 102 that we're referring to, and that
 10 that cookie was written on 4/28/06 at
 11 9:43:13 hours. The fact that there were numerous
 12 instances of that same Comcast IP discovered
 13 throughout the report.
 14 The URL ftp 70.142.251.242, which is
 15 FTP, which is a file tile transfer protocol session
 16 that at some point in time was established with
 17 that particular site or computer -- I just wanted
 18 to verify something.
 19 (At this point in the deposition
 20 Ms. Ninfo left the room.)
 21 By Ms. Schwartz:
 22 Q Just for the record, you are referring
 23 to -- you are referring to items that are in
 24 Exhibit 28 that you found significant in

1 Miss Voita's forensic summary?
 2 A Correct.
 3 Q Okay.
 4 A Correct.
 5 Q Continue. I didn't mean to interrupt.
 6 A The URL of the http://mail.salf.org
 7 being one of the web addresses that were typed into
 8 the computer.
 9 Her reference to what she believes to be
 10 a user name and password of carol@savealife --
 11 excuse me -- carol@salf.org:herman for the website
 12 of www.salf.org:2095/webmail.
 13 Q That's a bullet point on CCSAO 003390?
 14 (At this point in the deposition
 15 Ms. Ninfo reentered the room.)
 16 THE WITNESS: That's correct. It's the fourth
 17 one down in regards to that being located on her
 18 device, and then the usage of that particular user
 19 name and password to be stored on her computer.
 20 The fact that the -- what appears to be
 21 another user name and password being typed into the
 22 URL of the same -- what is the same 70 address of
 23 the ftp site where it appears that this user name
 24 and password of sgholar@salf.org,

1 s-g-h-o-l-a-r8899.
 2 By Ms. Schwartz:
 3 Q Again, that's on CCSAO 003390?
 4 A Correct. It appears that -- what else?
 5 The fact that the emails associated and web pages
 6 associated with the email address of
 7 melongo_annabel@yahoo.com.
 8 Those were some of the things that
 9 really stood out to me as far as evidence.
 10 Q Let's walk through a few of those.
 11 First off, apart from the reference to
 12 the cookie file, which is on CCSAO 003389, none of
 13 these bullet points that you listed include any
 14 information on date or time, correct?
 15 A Correct.
 16 Q So they don't show when particular file
 17 or piece of data was accessed on Miss Melongo's
 18 computers, correct?
 19 A These bullet points do not, correct.
 20 Q And you testified that one of the things
 21 that was interesting to you was the Go To My PC
 22 references as Go To My PC as a remote access
 23 program, correct?
 24 A Correct.

1 Q Again, there is no dates associated on
 2 Exhibit 27 -- 28, there is no dates associated with
 3 the Go To My PC uses, are there?
 4 MR. KAPLAN: On that exhibit?
 5 By Ms. Schwartz:
 6 Q On Exhibit 28.
 7 A No, nothing in there that -- on the
 8 summary.
 9 Q Isn't it true that to access another
 10 computer using Go To My PC, you first have to
 11 install Go To My PC software on the accessed
 12 computer?
 13 A I don't know if that's true or not.
 14 Q Did you ever ask or look to see if any
 15 Save a Life Foundation computers had Go To My PC
 16 installed on them?
 17 A No, I did not.
 18 Q Did you know that to access another
 19 computer using Go To My PC, you first have to
 20 register the accessed computer with Go To My PC?
 21 A No, I did not.
 22 Q Isn't it true that to access another
 23 computer using Go To My PC you have to register the
 24 computer to be accessed as a computer that you, the

1 accessor, have permission to access? Did you know
 2 that's how Go To My PC works?
 3 A No, I did not.
 4 Q Did you do any investigation as to
 5 whether Miss Melongo had permission to access any
 6 Save a Life Foundation computers using Go To My
 7 PC?
 8 A No, I did not.
 9 Q You testified that one of the other
 10 bullets that was of interest to you was the one on
 11 page CCSAO 003389 about a ftp site and an IP
 12 address associated with an ftp, that's the last
 13 bullet.
 14 Again, there is no date and time listed
 15 here for when a ftp was used?
 16 A Correct, it doesn't say.
 17 Q You were aware, were you not, that
 18 Miss Melongo was the IT administrator for
 19 Save a Life Foundation?
 20 A I was.
 21 Q And as the IT administrator, it wouldn't
 22 be surprising for her to have access to Save a Life
 23 files and systems, correct?
 24 MS. NINFO: Object to the speculation and

1 form.
 2 MR. KAPLAN: I'll join.
 3 THE WITNESS: As an IT administrator having
 4 access makes sense.
 5 By Ms. Schwartz:
 6 Q Did you ask Miss Melongo, Miss Spizzirri
 7 or anyone else whether Miss Melongo had access to
 8 Save a Life servers and networks and computers
 9 while she was employed as an IT administrator?
 10 A I don't recall asking that specific
 11 question, no.
 12 Q Would that question have been relevant
 13 to your investigation?
 14 MS. NINFO: I'm sorry, are you asking when she
 15 was at work or outside of work, as an
 16 administrator? Are you talking about when she was
 17 working?
 18 MS. SCHWARTZ: Are you talking about time
 19 frame?
 20 MS. NINFO: Are you talking about her having
 21 access when she was at work?
 22 By Ms. Schwartz:
 23 Q I'm saying are you aware -- I'll ask
 24 another question to clarify.

1 MS. NINFO: Okay.
 2 By Ms. Schwartz:
 3 Q Were you aware whether or not
 4 Miss Melongo as an IT administrator had access to
 5 Save a Life networks and servers on her personal
 6 computers?
 7 A No, we were not aware of that.
 8 Q Did you ask Miss Melongo or anyone else
 9 whether she had access on her personal devices and
 10 computers to Save a Life networks?
 11 A I don't believe we ever asked that
 12 question, no.
 13 Q Did you ever ask whether Miss Melongo as
 14 IT administrator had access to passwords for
 15 Save a Life Foundation employees?
 16 A Ask who?
 17 Q Miss Melongo or anyone else?
 18 A I asked Miss Melongo and in her
 19 statement she said that she did have access to
 20 these things. I don't recall specifically asking
 21 whether or not we -- she had access to those
 22 passwords, as far as anybody at Save a Life, by
 23 asking them that question. I believe that
 24 information was provided to us voluntarily by

1 someone there, said that she was the administrator
 2 and that she had those passwords.
 3 Q So someone at Save a Life Foundation did
 4 tell you that Miss Melongo while she was IT
 5 administrator had access to passwords of Save a
 6 Life employees?
 7 A I'm sorry, can you repeat that?
 8 (The record was read.)
 9 THE WITNESS: I believe so, yes.
 10 By Ms. Schwartz:
 11 Q With the exception to the reference of
 12 the cookie file in Exhibit 28, you testified that
 13 the other bullet points that we went over don't
 14 have dates or times listed in Exhibit 28.
 15 Were there dates or times listed to any
 16 of the corresponding entries in the larger version
 17 of Miss Voita's report, Exhibit 29?
 18 A I'd have to look to be sure.
 19 Q You don't recall as we're sitting here
 20 today?
 21 A Not as I recall, not without looking at
 22 it.
 23 Q Did you check to see if Exhibit 29 had
 24 corresponding date and time entries in 2006?

1 A Oh, I'm sure I looked through the
 2 report. I don't recall as to a specific bullet
 3 point having it within the report.
 4 Q Were you aware that Miss Voita --
 5 Miss Spizzirri and Save a Life Foundation had
 6 accused Miss Melongo of accessing and deleting
 7 financial files from Save a Life Foundation?
 8 A I believe that was in the initial
 9 report, they -- that was some of the items that
 10 they claimed were deleted off the servers.
 11 Q In her analysis did Miss Voita or anyone
 12 else find any information on Miss Melongo's
 13 computers related to Save a Life financial
 14 documents or financial files?
 15 A I don't recall. I'd have to look
 16 through the report to see if there was.
 17 Q In the bullet points we just discussed
 18 of Exhibit 28, is there any indication that there
 19 was any Save a Life Foundation financial files on
 20 Miss Melongo's computers?
 21 A Nothing specifically stated that I can
 22 see.
 23 Q In Exhibit 28, the summary, the forensic
 24 summary, is there any -- any information that shows

1 that Miss Melongo actually forwarded an email from
 2 Miss Spizzirri's account to Miss Melongo's account
 3 on May 1, 2006?
 4 A Nothing that specifically states that,
 5 no.
 6 Q And there is nothing in Exhibit 28, the
 7 forensic report summary, that states that
 8 Miss Melongo accessed Save a Life servers and
 9 deleted data on April 28, 2006; is that right?
 10 A Nothing specifically, no.
 11 Q Did anyone ever tell you that additional
 12 forensic evidence would be necessary if intrusion
 13 charges were to be pursued against Miss Melongo?
 14 A I believe Kyle French brought that to
 15 the State's Attorney's attention in our meeting
 16 with them -- what day was that -- October 30th of
 17 2006 it looks like.
 18 Q What did Kyle French say during that
 19 meeting on October 30, 2006?
 20 A I don't recall specifically what was
 21 said. There is nothing in the -- in my report that
 22 states specifically what was said.
 23 Q Do you recall what specific additional
 24 forensics Mr. French discussed during that

1 there and have all of us convene there at the same
2 day and time in order to present it to a State's
3 Attorney for review. It's standard practice.
4 Q It's only felony charges that require
5 Assistant State's Attorney approval. Do
6 misdemeanor charges also?
7 A Prior -- prior to actually formal
8 charging in an arrest, yes.
9 Q Do you also need to seek Assistant
10 State's Attorney approval for misdemeanor
11 charges?
12 A No, we do not.
13 Q It's only for felony charges?
14 A Correct.
15 Q I'm handing you Plaintiff's Deposition
16 Exhibit 30, CCSAO 002234 to 45.
17 (A document was marked Plaintiff's
18 Deposition Exhibit Martin No. 30
19 for identification.)
20 By Ms. Schwartz:
21 Q Is this a true and accurate copy of an
22 email and attachment you sent to Kyle French on
23 October 13, 2006?
24 A It appears to be, yes.

1 Q What was the purpose of the October 30,
2 2006 meeting?
3 A To -- an attempt to obtain criminal
4 charges in this case, myself, Mr. French,
5 Miss Monge we went and spoke with ASA, I think it's
6 pronounced Biestek, B-i-e-s-t-e-k, discussing the
7 case and presenting what evidence we had in the
8 matter, in an attempt for them to approve a fel --
9 felony charge.
10 Q And were you just reading from your
11 report, Exhibit 3?
12 A Yes. Yes.
13 Q Do you have independent recollection --
14 apart from the conversation with Mr. French about
15 the forensics, additional forensics, do you recall
16 anything else about that meeting apart from what's
17 in your report?
18 A No, I do not.
19 Q Why was it necessary to go to Assistant
20 State's Attorney's -- Assistant State's
21 Attorney Biestek for a review of felony charges?
22 A Any time we have to get felony charges,
23 it has to be reviewed by the State's Attorney's
24 Office. So we made the appointment I believe to go

1 Q Why did you send this attachment to
2 Kyle French on October 13, 2006?
3 A This was a continuation of the report
4 that I had previously sent to him for review prior
5 to the search warrant for Miss Melongo's home. And
6 the -- I sent this to him so that he could review
7 it so that he was aware of some of the -- how the
8 case had progressed since the last time I updated
9 him on it and prior to our meeting with
10 ASA Biestek.

11 Q Did he make any suggestions, propose any
12 edits to the narrative of your report?
13 A Not that I recall, no.
14 Q Did he -- independent of October 13,
15 2006 did he ever make any suggestions or propose
16 any edits to the content of your report,
17 Exhibit 3?
18 A Not that I recall, no.
19 Q What happened after the October 30, 2006
20 meeting in regards to the Save a Life Foundation
21 investigation?
22 A I'm sorry, I'm not understanding the
23 question as far as after this meeting, like --
24 Q I'll take a step back.

1 At the October 30, 2006 meeting were
 2 there any decisions made as to next steps?
 3 A At that point -- yeah, at that point
 4 ASA Biestek had reviewed the reports and evidence
 5 that we had gathered at the time, and approved two
 6 felony counts of computer tampering against
 7 Miss Melongo.
 8 Q Whose decision was it that charges would
 9 be brought against Miss Melongo?
 10 A ASA Biestek.
 11 Q Did you make any recommendations to
 12 ASA Biestek as to whether you thought charges
 13 should be pursued?
 14 A No.
 15 Q Did anyone ask you any questions about
 16 the evidence during that October 30, 2006
 17 meeting?
 18 A I'm sure they did, but I don't recall
 19 what -- they were.
 20 Q If you turn to your report, the final
 21 page of Exhibit 3, it says under 30 October 2006,
 22 ASA Biestek also stated he would continue to look
 23 into other charges that would be filed in this
 24 case; i.e., eavesdropping.

1 What does the reference to eavesdropping
 2 refer to?
 3 A I believe that was in reference to
 4 Miss Melongo's statement as to viewing these emails
 5 over the course of time that she had been in the
 6 server, and the allegations made by someone at Save
 7 a Life, I forget, that her having privy to
 8 knowledge that only a certain select view within
 9 the company had and one of them was not
 10 Miss Melongo.
 11 Q So based on that there was some -- there
 12 was some discussion whether eavesdropping charges
 13 would be appropriate?
 14 A Correct.
 15 Q To your knowledge were eavesdropping
 16 charges ever brought related to the Save a Life
 17 allegations that you just mentioned?
 18 A Brought forth by the Cook County State's
 19 Attorneys -- or in reference to this investigation?
 20 Q Yes.
 21 A No, not that I know of.
 22 Q Did you obtain an arrest warrant for
 23 Miss Melongo's arrest in this case?
 24 A I did.

1 Q Did you prepare the arrest warrant?
 2 A I don't recall if I specifically did or
 3 if that was done by the state and I went before the
 4 Judge and --
 5 Q You went before the Judge?
 6 A -- attested to it.
 7 Yeah. I don't recall who prepared the
 8 actual document, but I went before the Judge to
 9 obtain it.
 10 Q I'm handing Detective Martin Plaintiff's
 11 Deposition Exhibit 31, CCSAO 000752.
 12 (A document was marked Plaintiff's
 13 Deposition Exhibit Martin No. 31
 14 for identification.)
 15 By Ms. Schwartz:
 16 Q Is Exhibit 31 the arrest warrant in this
 17 case?
 18 A Yes.
 19 Q It's dated October 31, 2006?
 20 A Yes.
 21 Q Did you make any statements to the Judge
 22 when you requested that he or she sign this arrest
 23 warrant?
 24 A I just provided them with the facts of

1 the case as far as what the allegations were and
 2 what evidence we had collected.
 3 Q Was that done -- was that an oral
 4 presentation or a written presentation?
 5 A Oral.
 6 Q Was anyone else present when you were
 7 before the Judge on -- was it October 31, 2006?
 8 A Present from where, like whose office,
 9 like my department or --
 10 Q Apart from the Judge and the Judge's
 11 staff, was anyone else present from your office,
 12 State's Attorney's Office, Save a Life
 13 Foundation?
 14 A I believe there was a State's Attorney
 15 in the room. There usually is. I don't recall if
 16 anybody else was there, maybe a clerk or whoever.
 17 Q Was Carol Spizzirri present when the
 18 arrest warrant was issued?
 19 A I don't recall. I don't think so.
 20 Q Would it refresh your recollection to
 21 look at your police report, Exhibit 3?
 22 A Yeah, I'm going to look and see.
 23 Q I turn your attention to October 30,
 24 2006 entry -- sorry, at the very end, the last full

1 sentence?
 2 A Yes. So Miss Spizzirri was there to
 3 sign the complaint portion of this, in reference to
 4 this arrest warrant.
 5 Q And that was -- would have been the same
 6 day, same court proceeding as the arrest warrant?
 7 A Yes. Yes.
 8 Q What does signing the complaint
 9 entail?
 10 A That's kind of a vague question. I'm
 11 trying to think how to answer it.
 12 Can you rephrase the question?
 13 Q So Miss Spizzirri was present in court
 14 on October 31, 2006?
 15 A Correct.
 16 Q And the purpose was for her to lodge
 17 some sort of formal complaint against
 18 Miss Melongo?
 19 A To -- I guess the complainant comes
 20 to -- I don't want to say attest to the facts that
 21 are typed into the complaint, but basically show
 22 that they want to proceed on these charges that
 23 they -- I can't think of a better way of explaining
 24 it.

1 oath when she was before the Court on October 31,
 2 2006?
 3 A She would be sworn in prior to the
 4 reading of the body of the complaint, but I don't
 5 recall if she ever like testified as to what
 6 that -- what was contained in it.
 7 Q In addition to the allegations related
 8 to the computer tampering and email intrusion,
 9 Carol Spizzirri also lodged a complaint about
 10 unauthorized charges on Save a Life's credit cards;
 11 is that correct?
 12 A I think it was credit cards and their
 13 Chase Bank account.
 14 Q What were those allegations?
 15 A There was some fraudulent charges that
 16 were made using I want to say it was an American
 17 Express Card, and then there was an ACH debit that
 18 occurred where money was taken out of the Chase --
 19 Safe a Life's Chase Bank account and used to pay a
 20 Comcast bill.
 21 Q Showing you Exhibit 32, CCSAO 000044 to
 22 45.
 23
 24

1 Q And to file the formal complaint, did
 2 Miss Spizzirri have to make any sort of
 3 presentation to the Judge?
 4 A I don't recall if she did or not.
 5 Q Normally do complaining witnesses have
 6 to make a presentation to the Judge when they file
 7 a formal complaint?
 8 A The Judge may ask some questions in
 9 regards to the case, but I don't recall if the
 10 Judge who issued this asked her any questions at
 11 the time.
 12 Q Did Miss Spizzirri sign anything in
 13 filing the complaint?
 14 A I don't know if she officially signed
 15 the complaint or not.
 16 Q Do complaining witnesses generally sign
 17 complaints?
 18 A Sometimes they do; sometimes they don't.
 19 It's just kind of how things transpire with the
 20 courts and the clerk.
 21 Q Are the complaints done by complaining
 22 witnesses generally speaking under oath?
 23 A Yes.
 24 Q So would Miss Spizzirri have been under

1 (A document was marked Plaintiff's
 2 Deposition Exhibit Martin No. 32
 3 for identification.)
 4 By Ms. Schwartz:
 5 Q Is Exhibit 32 an incident report of
 6 Schiller Park related to the allegations of credit
 7 card -- unauthorized credit card use?
 8 A It appears to be, yes.
 9 Q Is that your signature on the bottom?
 10 A No, that is not.
 11 Q Do you know whose signature that is?
 12 A I do.
 13 Q Whose signature is that?
 14 A I believe that is Officer Oocco,
 15 O-r-o-c-c-o I think is how it's spelled.
 16 Q And had you seen Exhibit 32 prior to
 17 today?
 18 A Yes.
 19 Q It says on the second page, the last
 20 line, the possible offender, Melongo, is an
 21 ex-employee and has tampered with computer files
 22 upon termination of employment.
 23 Did Carol Spizzirri ever say to you that
 24 she thought Miss Melongo was responsible for

1 unauthorized credit card use?
 2 A I don't specifically remember her saying
 3 that to me, but she obviously said it to the
 4 initial officer who took this report. And because
 5 of the time frame, I believe it was while we were
 6 still in -- it was roughly, what, 20 days or so
 7 after the intrusion that their accounts were being
 8 used, she believed that it was Annabel.

9 Q Did you investigate the allegations
 10 related to credit card fraud and bank -- the bank
 11 account --

12 A I did.

13 Q -- use?

14 And what did you find?

15 A We -- I have to refer to my report with
 16 exactly what was we found from each one.

17 On July 12th of '06, I spoke to Sharma
 18 S-h-a-r-m-a, Austin, A-u-s-t-i-n, Comcast Cable,
 19 who gave me information regarding the ACH debit and
 20 how -- I guess there was a problem with the
 21 subpoena, as far as the date that was on the
 22 subpoena. The date that was on it was a day after.
 23 The actual transaction occurred on the 21st, but
 24 didn't post to the account until May 22nd, so she

1 A Yes.

2 Q Was there any other indication based on
 3 the evidence you reviewed for your investigation
 4 that Miss Melongo was involved in any unauthorized
 5 use of credit cards or bank statements -- bank
 6 accounts of Save a Life Foundation?

7 A Not that I recall, no.

8 Q And she was never arrested for any
 9 unauthorized use of credit card or bank account
 10 claims?

11 A Not this specific claim, no. I don't
 12 recall any other.

13 Q Didn't this -- the fact that
 14 Miss Melongo's name was not identified in this
 15 investigation of the unauthorized credit card use
 16 or bank account statements, didn't that suggest
 17 that someone else was involved in the credit card
 18 and bank account fraud?

19 A We could never prove who was actually
 20 involved. We just had some information provided to
 21 us by the banks as far as the information that was
 22 provided to them when these transactions were
 23 made.

24 Q Didn't the fact that you couldn't link

1 wanted to clarify that.

2 But then later we received a response
 3 from them, on 13 July, showing that the ACH debit
 4 was applied to a Comcast account belonging to an
 5 Andrea Smith, with a Comcast account number, blah,
 6 blah -- a really long one.

7 Q Did your investigation of the
 8 unauthorized use of credit cards and bank accounts
 9 ever reveal any link to Annabel Melongo?

10 A The only link that I recall was one of
 11 the items found in Miss Melongo's apartment was one
 12 of the names that was listed as a point of
 13 reference for one of the transactions, was an
 14 ex-Save a Life employee, and we found this item in
 15 Miss Melongo's apartment with this person's name
 16 and I believe a phone number.

17 And when I -- I believe when I was
 18 talking to Miss Melongo on the 20th of July of '06,
 19 I asked her about why she had this information and
 20 who this person was to her, and she stated that it
 21 was someone that used to work at Save a Life had
 22 contacted her and asked for help with her personal
 23 computer, something like that.

24 Q Was that person Tanya Spears?

1 Miss Melongo to the credit card or bank account
 2 fraud alert you to the possibility that whoever did
 3 steal the credit card tried to erase that
 4 information by deleting Save a Life files on
 5 April 28, 2006?

6 MR. KAPLAN: Object to form of the question.

7 MS. NINFO: That's not in evidence.

8 THE WITNESS: Can you repeat that?

9 MR. KAPLAN: Do you understand the question?

10 THE WITNESS: Not totally so I'm going to ask
 11 if she can repeat it.

12 (The record was read.)

13 MS. NINFO: Also incomplete hypothetical.

14 THE WITNESS: No, it did not.

15 By Ms. Schwartz:

16 Q So in Exhibit 3, the last page, it says
 17 case closed at the end.

18 What does that mean, case closed?

19 A When -- at the completion of an
 20 investigation, we would either put case closed, in
 21 the sense that there -- unless there is further
 22 evidence comes forward or additional witness comes
 23 forward after the fact, at this point in time, we
 24 would -- we are closing the investigation and not

1 going to pursue it any further, at least from
 2 Schiller Park's standpoint.
 3 Q Did you pursue any additional
 4 investigation after this date, October 30, 2006?
 5 A As far as investigations -- this
 6 investigation, no. Once this report was completed
 7 and submitted, I did nothing else, other than the
 8 attempt to reach out to Web HSP to provide their
 9 contact information.
 10 Q Did you ever arrest or process
 11 Miss Melongo on the computer tampering charges?
 12 A I did.
 13 Q Was that on November 15, 2006?
 14 A I don't recall the date. I believe
 15 there is a report that I completed, I think.
 16 Q In the interest -- in the interest of
 17 time, do you recall in November 2006 processing
 18 Miss Melongo --
 19 A YES.
 20 Q -- on the warrant?
 21 A Yes.
 22 Q But Miss Melongo was not taken into
 23 custody that day; is that correct?
 24 MR. KAPLAN: Did you say is it true she was

1 A I have no idea. I couldn't even tell
 2 you.
 3 Q During that time period or from May of
 4 2006 till October 30, 2006, was every interaction
 5 you had with Miss Spizzirri documented in your
 6 police report, Exhibit 3?
 7 A No, I don't think so. There -- there
 8 would have been conversations back and forth as far
 9 as like in -- as an example, the email she sent, I
 10 forget what the exhibit it was, when she sent it in
 11 2010 or whatever. She would call and just kind of
 12 want to know how things were going in the case and
 13 things like that, but.
 14 Q And that was true even between May 2006
 15 and October 31, 2006 as well?
 16 A Correct.
 17 Q And then after October 31, 2006, she
 18 would also contact you periodically?
 19 A Yeah. I couldn't recall how many times,
 20 but once in a while she'd call, you know.
 21 Q Would she ask you for updates about the
 22 case? What were the purpose of the calls when you
 23 heard from her?
 24 A I don't recall any specifics as to what

1 not taken into custody?
 2 MS. SCHWARTZ: (Nodding head.)
 3 MR. KAPLAN: Okay.
 4 THE WITNESS: Well, she was in custody for the
 5 time frame that she was at Schiller Park, yes, she
 6 was in custody.
 7 By Ms. Schwartz:
 8 Q And after that she was released; is that
 9 correct?
 10 A Correct. She was provided a bond, I
 11 believe. I don't recall if it was -- if she put
 12 money up or it was an I-bond.
 13 Q After the November 2006 processing, what
 14 was your involvement in Miss Melongo's criminal
 15 case?
 16 A Other than testifying at different
 17 points in times, I don't recall that there was
 18 any.
 19 Q How often were you in contact with Carol
 20 Spizzirri between May of 2006 and the processing of
 21 Miss Melongo in November of 2006?
 22 A I have no idea.
 23 Q Would you guess it was weekly, monthly,
 24 more than weekly?

1 the conversations were about.
 2 Q In total how many times have you met
 3 Miss Spizzirri in person?
 4 A Less than ten.
 5 Q What was your impression of Carol
 6 Spizzirri? How would you describe her?
 7 A She's a -- she's a victim. She acts
 8 like a victim.
 9 Q What does that mean she acts like a
 10 victim?
 11 A Someone that, you know, who has been --
 12 a crime has been committed upon them. She's --
 13 they are always afraid that something else is going
 14 to happen to them. They are afraid that if they
 15 testify, there is going to be retribution, things
 16 like that.
 17 Q Did Miss Spizzirri tell you she was
 18 afraid of retribution?
 19 A I think in one of the emails, there is a
 20 mention of some sort of retribution. I forgot what
 21 the actual line was. So she always was wondering
 22 that there could be additional attempts to get into
 23 some of the information that she had or her emails
 24 or whatever. She was always kind of afraid that

1 something else was going to happen, and what was
 2 going to happen next.
 3 Q She was worried that Miss Melongo would
 4 get into her emails?
 5 A I don't think she specifically said
 6 Miss Melongo, but she was always like a victim.
 7 They always think something else is going to happen
 8 or what's going to happen next. If this could
 9 happen to me, what else could happen.

10 Q Did she ever -- apart from the
 11 allegations that we've been discussing today, the
 12 credit card, bank account and intrusion
 13 allegations, did Miss Spizzirri ever bring any
 14 other allegations to you related to Miss Melongo?

15 A There was an allegation that she
 16 believed that was related to the intrusion that
 17 happened on the 28th, some of the files that were
 18 contained on one of the servers at the time of the
 19 intrusion -- I'm trying to think what she called
 20 it. It was like a book or training manual or
 21 something along that lines that had been leaked to
 22 the -- I forget who it was leaked to. I don't know
 23 if it was the outside world or news agency or
 24 something like that.

1 It was some protected document of some
 2 sort that had been leaked that was one of the
 3 things that she brought up, but I don't recall
 4 anything else as we're sitting here.

5 Q Did you look into that allegation?

6 A I basically told her that we had no
 7 information at that point in time because this was
 8 after the case was closed and the defendant had
 9 been charged.

10 She was trying to, you know, a year or
 11 two later, trying to come back and say this was all
 12 related to this intrusion. I said without further
 13 evidence there is no way we're going to be able to
 14 prove that it was coming from that intrusion.

15 Q So you didn't follow up after that?

16 A No.

17 Q What year was this conversation with
 18 Miss Spizzirri, would you guess?

19 A I don't recall exactly, but it was after
 20 the case had been concluded, I knew that.

21 Q Were you aware of an ABC News
 22 investigative report that aired in November 2006
 23 about Miss Spizzirri and the Save a Life
 24 Foundation?

1 A I am.
 2 Q Did you watch that news report?
 3 A Yeah, I don't think I watched it
 4 entirely, but I remember watching part of it,
 5 yes.

6 MS. SCHWARTZ: Go off the record for just one
 7 moment.

8 (A discussion was had off the
 9 record.)

10 MS. SCHWARTZ: I'm showing you what's marked
 11 Plaintiff's Deposition Exhibit 32.

12 THE REPORTER: 33.

13 MS. SCHWARTZ: 33, Attorney General 001846 to
 14 1847.

15 (A document was marked Plaintiff's
 16 Deposition Exhibit Martin No. 33
 17 for identification.)

18 By Ms. Schwartz:

19 Q Look to the bottom two-thirds of the
 20 first page of Exhibit 33.

21 Is that a true and accurate copy of an
 22 email you sent to Miss Monge on November 20, 2006?

23 A A portion of it, yes.

24 Q You say, did you see Miss Spizzirri on

1 the ABC News last Thursday night. If you didn't,
 2 check out the link below. You think our case is
 3 shot now?

4 Why did you write you think our case is
 5 shot now?

6 A Just based upon the allegations that --
 7 Chuck Goudie I think was the one that did the
 8 report. Based on the allegations that he was
 9 trying to -- or not allegations, but the -- I'm
 10 trying to think of the word. How he portrayed
 11 Miss Spizzirri within the report.

12 Q How did Chuck Goudie portray
 13 Miss Spizzirri in the ABC News report?

14 A I vaguely remember it being derogatory.
 15 I don't specifically remember exactly what he said.
 16 It was derogatory in the sense that there was
 17 some -- the basis behind Miss Spizzirri's
 18 Save a Life Foundation, that her -- how she
 19 described why she had this -- why she created
 20 Save a Life, there was apparently what Chuck Goudie
 21 found was that the story that she told was
 22 inaccurate.

23 Q Did Chuck Goudie ABC News report cause
 24 you concern about your investigation of

1 Miss Melongo?

2 A Not my investigation, no. I just
3 presented it to Shahna, and just as a point of
4 discussion, you know. Whether or not she -- what
5 her thought was on the article or the investigation
6 that he did.

7 Q Did you think that the allegations in
8 the Chuck Goudie ABC News report called into
9 question Miss Spizzirri's credibility?

10 A He said it, in regards to what he
11 investigated. I had no reason to believe that she
12 had -- was anything but truthful when she made the
13 report with me.

14 Q Did anyone respond to your question in
15 Exhibit 33, your question, do you think our case is
16 shot now?

17 A I don't think so. I don't recall if
18 Shahna responded in any way.

19 Q Did you ever discuss the ABC News
20 investigation with Miss Monge, now Miss Voita,
21 Mr. French, or anyone else?

22 A There was a discussion at the State's
23 Attorney's Office in the Third District of
24 Rolling Meadows. I can't tell you who was present,

1 Office?

2 A I do not.

3 Q Do you recall anything else that was
4 said during that meeting?

5 A No, I do not.

6 Q I'd like to discuss some of the
7 allegations in the Chuck Goudie ABC News report.
8 Mr. Goudie reported that Carol Spizzirri claimed to
9 be a registered nurse in promoting the Save a Life
10 Foundation, but as it turned out Carol Spizzirri
11 was never a registered nurse.

12 Do you recall that allegation?

13 A Vaguely, yeah.

14 Q You learned about it around the time of
15 the report?

16 A From whatever he said in the report,
17 when he -- when I watched it.

18 Q The report by Chuck Goudie also stated
19 that Miss Spizzirri had never worked as a nurse at
20 a hospital even though she claimed in promoting
21 Save a Life Foundation to have worked at a nurse --
22 as a nurse at a hospital.

23 Do you remember that allegation from the
24 ABC News report?

1 but they were asking me if I knew about this
2 investigation prior to the formal charging, I
3 believe.

4 Q And by this investigation, whether you
5 knew about the Chuck Goudie ABC News --

6 A Correct.

7 Q -- investigation?

8 A Correct.

9 Q What did you say?

10 A I said no, I didn't know anything about
11 it until it was brought to my attention, you know,
12 after the fact.

13 Q After the report was aired?

14 A Yes. Yes.

15 Q When did that conversation with the
16 Rolling Meadows State's Attorney's Office take
17 place?

18 A I don't recall. The report aired
19 obviously a couple days before November 20th, so it
20 had to be after that some time. I would assume
21 shortly thereafter because the case was still being
22 prosecuted by the Third District at that point.

23 Q Do you recall who was present at that
24 meeting with the Rolling Meadows State's Attorney's

1 A Not specifically, no.

2 Q And none of this information on the
3 ABC News report suggested to you that
4 Miss Spizzirri was potentially unreliable as a
5 complaining witness in your case?

6 MR. KAPLAN: Objection, asked and answered.

7 MS. NINFO: Objection, form.

8 THE WITNESS: Not to my case, no.

9 By Ms. Schwartz:

10 Q Did the ABC News report cause you any
11 concern that Miss Spizzirri might have motives for
12 seeking to blame Miss Melongo for loss of
13 Save a Life Foundation financial records?

14 MS. NINFO: Objection to the speculation.

15 MR. KAPLAN: I'll join.

16 THE WITNESS: No.

17 By Ms. Schwartz:

18 Q Miss Spizzirri also publicly represented
19 in promoting Save a Life Foundation that her
20 daughter had died in a hit and run car accident and
21 bled to death before emergency responders arrived.

22 Do you know that's what Miss Spizzirri
23 promoted Save a Life -- how Miss Spizzirri promoted
24 Save a Life Foundation?

1 A I remember it from his report, yes.
 2 Q And Chuck Goudie in his report alleged
 3 that certain parts of that story were not true; is
 4 that correct?
 5 A Correct.
 6 Q Chuck Goudie in his report alleged that
 7 Miss Spizzirri's daughter was not involved in a hit
 8 and run car accident but was rather -- died in a
 9 drunk driving single person car accident; is that
 10 correct?
 11 A I don't recall if it was a hit and run
 12 accident or anything like that. I didn't even
 13 think she died. I thought it was that they
 14 reported it or she alleged that she died, but I
 15 didn't think it was -- I thought it was something
 16 else.
 17 Q But you recall the Chuck Goudie ABC News
 18 report had some allegations regarding inaccuracies
 19 in Miss Spizzirri's account of how her daughter had
 20 died?
 21 A Correct.
 22 Q And that didn't cause you concern
 23 either?
 24 A No.

1 Q Did you ever investigate the possibility
 2 that Miss Spizzirri or someone at Save a Life
 3 Foundation had destroyed files in order to cover up
 4 those files?
 5 A No.
 6 MS. NINFO: I'm sorry, cover up what files?
 7 MR. KAPLAN: The files that were destroyed, is
 8 that what you mean?
 9 MS. SCHWARTZ: I'll rephrase the question.
 10 By Ms. Schwartz:
 11 Q Did you ever investigate the possibility
 12 that Carol Spizzirri or someone at Save a Life
 13 Foundation had on or around April 28, 2006
 14 destroyed Save a Life financial files as a means of
 15 getting rid of those files?
 16 A We investigated the network intrusion.
 17 We -- at the point and times that I documented by
 18 my report --
 19 MR. KAPLAN: Just answer her question.
 20 THE WITNESS: So we didn't investigate any
 21 particular person at all at that point. We were
 22 investigating the intrusion and what evidence we
 23 could get from that investigation.

1 By Ms. Schwartz:
 2 Q Well, starting on May 5, 2006,
 3 Miss Melongo's name was mentioned as the target,
 4 correct?
 5 A Correct.
 6 Q So you were investigating Miss Melongo
 7 from the outset, correct?
 8 A She was a person of interest, yes.
 9 Q Did you ever investigate anyone other
 10 than Miss Melongo as a possible suspect in the
 11 Save a Life intrusion?
 12 A No. No other suspects were developed.
 13 Q Did you ever speak to Robert Podlasek
 14 about the ABC News report by Chuck Goudie?
 15 A I don't recall talking to Bob about it
 16 at all.
 17 Q I'm showing you Plaintiff's Deposition
 18 Exhibit 34, CCSAO 007190.
 19 (A document was marked Plaintiff's
 20 Deposition Exhibit Martin No. 34
 21 for identification.)
 22 By Ms. Schwartz:
 23 Q Does Exhibit 34 refresh your
 24 recollection as to whether you spoke with

1 Robert Podlasek about the ABC News piece by
 2 Chuck Goudie?
 3 A Yes.
 4 Q What do you recall about the discussions
 5 with Robert Podlasek about the ABC News piece?
 6 A Well, obviously I sent him the link to
 7 the ABC News, the same one that I had sent to
 8 Miss Monge on November 20th.
 9 Q Did you talk to him before or after this
 10 fax was sent on January 11, 2007?
 11 A Based on what I wrote, I'd infer that I
 12 did speak to him --
 13 Q And this --
 14 A -- or I mentioned it to him.
 15 Q Exhibit 34, is that your handwriting on
 16 Exhibit 34?
 17 A Yes, it is.
 18 Q And it's dated January 11, 2007, which
 19 is six days before your testimony in the first
 20 grand jury, correct?
 21 A Correct.
 22 Q Did you have any discussion with
 23 Mr. Podlasek about whether it was appropriate to
 24 seek an indictment against Miss Melongo in light of

1 the ABC News report?
 2 A No.
 3 Q Do you recall anything else about any
 4 discussions with Mr. Podlasek about the ABC News
 5 report?
 6 A No.
 7 Q Were you aware that at the time
 8 Miss Melongo was terminated from the Save a Life
 9 Foundation in April of 2006 there was an ongoing
 10 dispute between Carol Spizzirri and the temp agency
 11 Robert Half?
 12 A We were made aware of it, but I can't
 13 recall as to how.
 14 Q Did you consider that relevant to your
 15 analysis?
 16 A It's a bit of information.
 17 Q Were you aware that Carol Spizzirri had
 18 alleged that another temp employee other than
 19 Miss Melongo had destroyed or inappropriately
 20 accessed Save a Life computer files in 2006?
 21 A I was never made aware of that that I
 22 can recall.
 23 Q Have you seen the website
 24 www.illinoiscorruption.net?

1 A I have.
 2 Q When did you first learn of the website
 3 illinoiscorruption.net?
 4 A I don't recall.
 5 Q I'm handing you Plaintiff's Deposition
 6 Exhibit 35, Spizzirri000001071 to 1072.
 7 (A document was marked Plaintiff's
 8 Deposition Exhibit Martin No. 35
 9 for identification.)
 10 By Ms. Schwartz:
 11 Q Is this an email exchange between you
 12 and Carol Spizzirri? At the top it says January 4,
 13 2010, but embedded are emails from November 2009.
 14 A Yeah, it appears to be portions of them,
 15 yes.
 16 Q And is this a true and accurate copy of
 17 an email you received from Miss Spizzirri?
 18 A Portions of it, I believe, yeah.
 19 Q If you turn to the last page there is a
 20 link to illinoiscorruption.net, which appears to
 21 have been forwarded to you November 12, 2009?
 22 A Yes.
 23 Q Were you aware of the Illinois
 24 Corruption website by November of 2009?

1 A I was made aware of -- excuse me. I was
 2 made aware of it around that time.
 3 Q Did you have any conversations with
 4 Carol Spizzirri about the Illinois Corruption
 5 website?
 6 A I don't recall any specific
 7 conversations, no.
 8 Q What did you think of the website
 9 illinoiscorruption.net?
 10 A I don't recall my thoughts about it.
 11 Just that Miss Melongo was discussing her
 12 recollections of some of the things that were going
 13 on in regards to this investigation and posting
 14 documents from this investigation.
 15 Q Including your police report, correct?
 16 A Yeah, I believe that was one of the
 17 items that was up there.
 18 Q Miss Melongo's descriptions of the
 19 investigation and prosecution on the website
 20 Illinois Corruption were not favorable, correct?
 21 A I don't recall a specific, what she --
 22 the favorable results were towards, but based upon
 23 some of what I read, I remember it being negative
 24 towards myself and others that were involved in the

1 investigation.
 2 Q In fact, on the website at a certain
 3 point she did accuse you of perjury, correct?
 4 A Yes.
 5 Q And she linked a copy of her motion to
 6 dismiss the indictment based on the alleged
 7 perjury, correct?
 8 A I don't know if that was on there
 9 specifically.
 10 Q How did you feel about the way you were
 11 portrayed on the Illinois Corruption website?
 12 A I really had no thoughts on it either
 13 way.
 14 Q How did you feel about the way the
 15 investigation and prosecution were portrayed on the
 16 Illinois Corruption website?
 17 A That had no bearing on me at all.
 18 Q I'm handing you Plaintiff's Deposition
 19 Exhibit 36, Spizzirri000001089 to 90.
 20 (A document was marked Plaintiff's
 21 Deposition Exhibit Martin No. 36
 22 for identification.)
 23 By Ms. Schwartz:
 24 Q Is Exhibit 36 a true and accurate copy

1 of a thread of emails between you and Carol
 2 Spizzirri dated January 12, 2010?
 3 A Yes, they -- it looks like the beginning
 4 of it starts with an email that was sent to
 5 Wendy Cohen by herself and then it has
 6 Miss Melongo's email to me.
 7 Q Miss Spizzirri's email to you you
 8 mean?
 9 A Correct.
 10 Q And starting with the most recent email
 11 on the top of the first page, Exhibit 36, the
 12 subject says Re: Hi, Det. Martin - Carol calling -
 13 stalking awareness month event. Then in the body
 14 it says I'd like you apart of initiative - if you'd
 15 agree.
 16 What did you understand Miss Spizzirri
 17 to mean by initiative? Did it relate to stalking,
 18 what was in the subject line?
 19 A I don't recall exactly what it was
 20 about.
 21 Q Did you ever get involved with
 22 Miss Spizzirri's cyberstalking initiative or any
 23 other initiative that Miss Spizzirri spearheaded?
 24 A No, I did not.

1 A No, because she didn't live in
 2 Schiller Park, and I believe at that point
 3 Save a Life was already gone.
 4 Q So you never investigated or looked into
 5 any allegations of stalking by Miss Spizzirri?
 6 A No, I did not.
 7 Q In this email Miss Spizzirri invites you
 8 to an event. You say I'm sorry but I have another
 9 meeting I have to be at that morning. I would be
 10 interested in attending other events should they
 11 come up.
 12 Did you ever attend any other events
 13 that Miss Spizzirri invited you to?
 14 A I did not.
 15 Q Did you ever tell Miss Spizzirri that
 16 you felt there was ample evidence to convict
 17 Miss Melongo?
 18 A I don't recall specifically saying that,
 19 no.
 20 MS. SCHWARTZ: Let's take a five-minute break.
 21 (A recess was taken.)
 22 By Ms. Schwartz:
 23 Q I'm handing you Plaintiff's Deposition
 24 Exhibit 37, which is Attorney General 001125

1 Q In the second line she writes, Lk Co
 2 Sheriff's Det. Kathy Kates may call you related to
 3 Annabel - took my report this morning, how my X and
 4 her are co-spiriting by joint blogs. Podlasek said
 5 he's been monitoring.
 6 What did you understand Miss Spizzirri
 7 to mean by that statement I just read?
 8 A What she believed to be Miss Melongo and
 9 her ex-husband writing blogs and -- yeah, writing
 10 blogs together. That's all I know.
 11 Q Did you ever talk to Miss Spizzirri
 12 about Miss Melongo's website?
 13 A Other than maybe the correspondence back
 14 and forth of her providing the information, I don't
 15 recall any specific conversations, though.
 16 Q Did Miss Spizzirri ever ask you to look
 17 into or bring to your attention any allegations
 18 related to stalking or cyberstalking?
 19 A I vaguely recall her asking me about it,
 20 and I would have directed her towards her local
 21 police department where she alleged these events
 22 were occurring.
 23 Q The local police department would not
 24 have been Schiller Park?

1 through 35.
 2 (A document was marked Plaintiff's
 3 Deposition Exhibit Martin No. 37
 4 for identification.)
 5 By Ms. Schwartz:
 6 Q Is Exhibit 37 a true and accurate copy
 7 of the response you received from Yahoo in response
 8 to the search warrant you issued on May 31, 2006?
 9 A It appears to be. I don't know the
 10 exact date.
 11 Q The cover letter --
 12 A Correct.
 13 Q -- appears to have been written June 16,
 14 2006?
 15 A Yes.
 16 Q So did you receive this around that time
 17 in June 2006?
 18 A Yes, I believe I did.
 19 Q I would like to direct your attention to
 20 page -- if we're looking at the bottom right, the
 21 last page, page Attorney General 001135. These are
 22 instances in which the Yahoo user Melongo_Annabel
 23 logged into the Yahoo account, is that your
 24 understanding of what this represents?

1 A Yes. Someone that had access to that
 2 account logged in at these particular dates and
 3 times.

4 Q And for each entry there is an IP
 5 address listed, a date and a time expressed in
 6 Greenwich Mean Time?

7 A Correct.

8 Q So the alleged intrusion on Save a Life
 9 Foundation's servers was in the early morning hours
 10 of April 28, correct, --

11 A Correct.

12 Q -- 2006?

13 A Correct.

14 Q If you look into the entries, there are
 15 no entries from April 28, 2006, are there?

16 A No. There is one prior to it on
 17 April 27th, in the evening hours.

18 Q But there is no entries on April 28th?

19 A No.

20 Q If you're looking at the April 27th
 21 entry, there appears to be three different entries
 22 of log-ins in Melongo_Annabel on April 27th?

23 A On this page, yes.

24 Q On this page. And only one of them, the

1 second page in the entry dated May 17, 2006, about
 2 seven or eight lines down from the top it says
 3 Mr. Barnes stated that -- stated he had no
 4 knowledge of Miss Melongo having any other email
 5 accounts other than the Yahoo mail account, but
 6 stated that she does have a laptop that she uses
 7 from time to time.

8 Mr. Barnes was an employee of
 9 Save a Life Foundation, correct?

10 A Yes.

11 Q And he knew that Miss Melongo had a
 12 laptop that she used, correct?

13 A Yes.

14 Q And did he tell you that Miss Melongo
 15 used that laptop for work purposes?

16 A It doesn't say here. I don't recall him
 17 saying that.

18 Q You also testified earlier about the
 19 allegations of unauthorized credit card use and
 20 bank account use on Save a Life Foundation's
 21 accounts, correct?

22 A Yes.

23 Q Isn't it true that names identified in
 24 the course of your investigation of those

1 last one, does appear to be that 102 IP address,
 2 correct?

3 A Correct.

4 Q But that's on April 27th, correct?

5 A Correct.

6 Q So this didn't show that someone using
 7 both the Melongo_Annabel Yahoo account and the 102
 8 IP address logged in using that IP address on
 9 April 28th, the date of the intrusion, correct?

10 A This particular document does not show a
 11 date of June 28th -- I'm sorry -- of April 28th,
 12 correct.

13 Q So this doesn't show anything about the
 14 date of the alleged Save a Life intrusion,
 15 correct?

16 A No, just the date prior to in the
 17 evening hours.

18 Q You testified earlier that you didn't
 19 know whether Miss Melongo had access to Save a Life
 20 networks and servers on her personal computers; is
 21 that correct?

22 A Correct.

23 Q I'd like to turn your attention to your
 24 police report, Exhibit 3. If you look at the

1 allegations were Toni Smith and a Andrea Chase.

2 A Let me look back in the report.

3 Q I'm looking at page 5 of your report is
 4 one mention of Andrea Chase?

5 A There is Toni Smith's that was -- I'm
 6 trying to think of where we got that information
 7 from right now. The gentlemen, Bob Curran,
 8 C-u-r-r-a-n of American Express fraud department --

9 Q What page are you reading?

10 A Page 3, May 19th of 2006, paragraph one,
 11 two, three, four, received account statement from
 12 Mr. Curran, and was able to contact a -- not sure
 13 where this came from -- a person at Old Navy
 14 customer research department, who provided me the
 15 name that the items that were purchased using
 16 Save a Life's credit cards was to be shipped to the
 17 name of Toni, T-o-n-i, Smith, common spelling.
 18 That was one.

19 Q And if you turn to page 5 of Exhibit 5,
 20 someone at Comcast said one of the unauthorized
 21 payments was in the name of an Andrea Chase about a
 22 third of the way down the page on page 5?

23 A Correct, Andrea's Smith's address in
 24 Maywood.

1 Q Then if you turn to page 7, there is an
 2 Andrea Smith at the top of page 7, related to --
 3 A Correct.
 4 Q -- one of these ACH debits?
 5 None of the names that came up with
 6 respect to the credit card or bank account used
 7 related to Tanya Spears, correct?
 8 A The name specifically, no, but the --
 9 there is a June 5th of 2006, the representative
 10 from Comcast stated that the account name that we
 11 were referencing belonged to An -- a person by the
 12 name of Andrea Smith with an address in Maywood,
 13 but the associated email addresses to that account
 14 were tspears4@comcast.net and wookie, w-o-o-k-i-e,
 15 91@comcast.net.
 16 Q So you thought T. Spears might relate to
 17 Tanya Spears, a former SALF employee?
 18 A Potentially, yes. Also, when we went
 19 to, let's see, the house in Glendale Heights, I
 20 think the address is the 700 Cynthia Lane in
 21 Glendale Heights, one of the plate numbers came
 22 back to a -- I'll spell it -- R-e-a-c-h-e-l-l-e,
 23 Spears at that address.
 24 Q So those are names that came up during

1 you for this information on July 20, 2009?
 2 A I don't recall.
 3 Q Why didn't you or Mr. French have all of
 4 that information, notes, reports, emails and images
 5 at that time on July 20, 2009?
 6 A The only information I had was initially
 7 discussed in what we got from Don Peters sent to
 8 me. I forget which exhibit that was earlier.
 9 Q Which was an email and a letter,
 10 correct?
 11 A Correct, an email and the attachment.
 12 Q Did you ever receive any additional
 13 documents from Don Peters in or around July of
 14 2009?
 15 A I did not.
 16 Q Did you ask for the documents after you
 17 received this email from Kyle French, documents or
 18 records?
 19 A I don't recall if I reached out to him
 20 or not.
 21 Q The second part of this exhibit,
 22 Exhibit 38, also requests names and addresses of
 23 the others who tried to recover lost data along
 24 with notes, reports, emails and any images of data

1 the course of your investigating the credit card
 2 and bank account allegations?
 3 A Correct.
 4 Q Again, Miss Melongo's name never came up
 5 in response to your research -- your investigation
 6 into the credit card or bank account allegations?
 7 A No, other than the fact that she had
 8 Miss Spears' phone number.
 9 Q I'm handing you plaintiff's deposition
 10 Exhibit 38, Attorney General 001839.
 11 (A document was marked Plaintiff's
 12 Deposition Exhibit Martin No. 38
 13 for identification.)
 14 By Ms. Schwartz:
 15 Q Is this a true and accurate copy of an
 16 email you received from Kyle French dated July 20,
 17 2009?
 18 A It appears to be, yes.
 19 Q In this email he asks that you contact
 20 Don Peters and ask him for notes, reports, and
 21 emails involving all work he did for Save a Life,
 22 as well as any images of data that was in the
 23 server he worked on.
 24 Do you know why Kyle French was asking

1 in the server.
 2 Again, do you know why Mr. French was
 3 asking you to look for that information in July of
 4 2009?
 5 A No, I do not.
 6 Q Did you ask any other third-party
 7 vendors for information regarding recovery efforts
 8 to Save a Life Foundation in or around July 2009?
 9 A Not that I recall, no.
 10 Q Do you recall receiving any additional
 11 information after July 20, 2009 from any such
 12 vendors?
 13 A No, I did not.
 14 Q I'm handing you plaintiff's Deposition
 15 Exhibit 39, CCSAO 002195 to 2196.
 16 (A document was marked Plaintiff's
 17 Deposition Exhibit Martin No. 39
 18 for identification.)
 19 By Ms. Schwartz:
 20 Q Exhibit 39 appears to be a forward of an
 21 email from Carol Spizzirri to Thomas DiCianni.
 22 Have you ever seen Exhibit 39 before,
 23 Detective Martin?
 24 A No.

1 Q I just want to point you to one portion
 2 of this email. In the body on the first page of
 3 Exhibit 39, second paragraph it states, we just
 4 discovered that up till a few weeks ago Annabel has
 5 had access into our server (have evidence) which
 6 Martin has been monitoring from his Dept. computer.
 7 And this is dated August 28, 2008.

8 Were you monitoring anything related to
 9 Miss Melongo or Save a Life servers in or around
 10 August of 2008?

11 A No.

12 Q Do you know why Miss Spizzirri would say
 13 that you were --

14 A No.

15 Q -- monitoring?

16 A No.

17 Q In the same paragraph of Exhibit 39, a
 18 little bit further down it says Judge issued Martin
 19 a subpoena for AT&T to release all docs related to
 20 our DSL/now static line to our mainframe, which
 21 Martin has forward to Podlasek to amend felony
 22 charges to four counts. Possible charges could be
 23 brought against Robert Half.

24 Did you -- were you involved in the

1 (A document was marked Plaintiff's
 2 Deposition Exhibit Martin No. 40
 3 for identification.)

4 By Ms. Schwartz:

5 Q Is this a true and accurate copy of an
 6 email you sent to Carol Spizzirri on February 10,
 7 2010?

8 A It appears to be, yes.

9 Q And if you turn to the earliest email in
 10 the exchange, it's dated February 9, 2010 from
 11 Carol Spizzirri to you. She writes, always
 12 wonderful and reassuring talking with you,
 13 exclamation mark. You'll always be my hero.

14 Did you talk to Carol Spizzirri on or
 15 around February 9, 2010?

16 A I must have based upon what's written
 17 here. I don't recall what was specifically said,
 18 though.

19 Q Did she ever call you -- in this email
 20 she calls you her hero.

21 Did she ever call you her hero in
 22 person?

23 A Not that I remember, no.

24 Q She calls you in the -- a little above

1 preparation of a subpoena to AT&T related to
 2 documents coming to Save a Life Foundation?

3 A Not that I remember, no.

4 Q And were you involved in or around April
 5 2 -- August 2008 in any discussions about amending
 6 felony charges to four counts?

7 A No.

8 Q Were you -- were you ever involved in
 9 discussions about whether to amend felony charges
 10 to four counts with respect to Miss Melongo?

11 A No.

12 Q Were you ever involved in any
 13 discussions about whether charges could be brought
 14 against Robert Half?

15 A No.

16 Q Do you know why Miss Spizzirri suggests
 17 that you were involved in Exhibit 39?

18 A No.

19 Q I'm handing you Plaintiff's Deposition
 20 Exhibit 39.

21 MR. KAPLAN: 40.

22 THE WITNESS: 40.

23 MS. SCHWARTZ: 40, excuse me. Thank you.
 24 Spizzirri000001091 to 92.

1 that, my dearest friend.

2 Did you consider Carol Spizzirri a
 3 friend?

4 A I would never use that word, no. No.

5 Q And why not?

6 A She's an acquaintance. She's a victim.
 7 I wouldn't use the term friend to describe her.

8 Q Do you have any idea why she says it was
 9 reassuring to talk with you? Did you reassure her
 10 about anything around that time?

11 A Apparently I did, but I don't recall
 12 what it would be about.

13 MR. KAPLAN: I'm just going to tell you not to
 14 speculate. Testify to what you remember, okay.

15 THE WITNESS: Okay.

16 By Ms. Schwartz:

17 Q In the next paragraph she writes, you
 18 know I'm writing a book about this. Will leave a
 19 chapter just for you, smiley face. Going to be --
 20 going to better seller than that Peter Heimlich
 21 one. I won't forget to include Goudie's role,
 22 smiley face. This email suggests that you spoke to
 23 Miss Spizzirri at some point about Chuck Goudie's
 24 ABC investigative report.

1 Do you recall any such conversation
 2 about Chuck Goudie's investigative report with
 3 Carol Spizzirri?
 4 A No.
 5 Q You responded to this email on the top
 6 of Exhibit 40, I won't be in the office until
 7 1:00 p.m. on Friday. Unfortunately Thursday is no
 8 good. I'm tied up with other cases. This I think
 9 was in response to her asking about stopping by the
 10 office.
 11 Did you ever meet up with Carol
 12 Spizzirri shortly after February 10, 2010?
 13 A Not that I recall, no.
 14 Q Were you trying to avoid meeting up with
 15 her? I see your email is quite curt.
 16 A No, I...
 17 Q No, you don't recall or no, you weren't
 18 avoiding her?
 19 A No, I wasn't avoiding her.
 20 Q I'm handing you Plaintiff's Deposition
 21 Exhibit 41, CCSAO 09122 to 23.
 22 (A document was marked Plaintiff's
 23 Deposition Exhibit Martin No. 41
 24 for identification.)

1 you as her adopted son?
 2 A No.
 3 MR. KAPLAN: Are you her adopted son?
 4 THE WITNESS: No.
 5 MS. SCHWARTZ: I'm glad we got the record
 6 cleared up.
 7 THE WITNESS: Thank you.
 8 By Ms. Schwartz:
 9 Q You testified at Miss Melongo's criminal
 10 trial, did you not?
 11 A Yes, I did.
 12 Q Prior to your trial testimony, did you
 13 speak with anyone about your trial testimony?
 14 A I reviewed it with the State's
 15 Attorney's Office prior to making the testimony,
 16 yes.
 17 Q Who did you meet with at the State's
 18 Attorney's Office prior to your trial testimony?
 19 A I don't recall exactly who it was.
 20 Q Do you recall what was said during those
 21 conversations prior to the trial?
 22 A Not specific, no.
 23 Q Do you recall how long you met with the
 24 State's Attorneys?

1 By Ms. Schwartz:
 2 Q Is Exhibit 41 a true and accurate copy
 3 of an email you received from Carol Spizzirri on
 4 June 17, 2010?
 5 A It appears to be.
 6 Q You don't recall receiving this email,
 7 though?
 8 A Not specifically, no.
 9 Q In this email Carol Spizzirri says each
 10 of you have a gigantic amount of expertise in this
 11 new and growing war against cyberterror. She then
 12 mentions setting up a conference call.
 13 Did you ever participate in a conference
 14 call related to cyberterror or cybercrimes set up
 15 by Miss Spizzirri?
 16 A Not that I recall, no.
 17 Q She says, halfway down the line, my
 18 adopted son Bill's cybertracking expertise is
 19 priceless.
 20 Do you recall Miss Spizzirri ever
 21 referring to you in person or in email as her
 22 adopted son?
 23 A No.
 24 Q Do you have any idea why she referred to

1 A No, I don't.
 2 Q Do you recall if any of the
 3 Assistant State's Attorneys you met with gave you
 4 any thoughts about your testimony?
 5 A No, I don't recall.
 6 Q Did you have any difficulty remembering
 7 any of the facts about which you were going to be
 8 asked to testify?
 9 A I don't recall any, no.
 10 Q Do you recall if they asked you any
 11 questions about your conversations with
 12 Miss Melongo on July 20, 2006?
 13 A The State's Attorney's Office or on
 14 trial?
 15 Q The State's Attorney's Office --
 16 A Prior?
 17 Q -- in your conversations prior to
 18 trial?
 19 A I don't recall.
 20 Q Apart from Assistant State's Attorneys
 21 involved in the trial, did you talk to anyone else
 22 before you testified at Miss Melongo's trial about
 23 your trial testimony?
 24 A I don't -- I don't recall any.

1 Q Carol Spizzirri?
 2 A I don't -- no, I didn't talk to her
 3 about it.
 4 Q Did you talk to Miss Voita about your
 5 trial testimony?
 6 A No.
 7 Q Do you know the result of Miss Melongo's
 8 computer tampering trial?
 9 A I know she was acquitted in regards to
 10 the charge of the email issue, yes.
 11 Q Who told you that?
 12 A One of the State's Attorneys after it
 13 was over. I can't remember who it was.
 14 Q What did that State's Attorney say?
 15 A I don't recall specifically, just that
 16 she was acquitted.
 17 Q Were you disappointed when you learned
 18 of the result of Miss Melongo's trial?
 19 A No.
 20 Q Why not?
 21 A You win some; you lose some.
 22 Q Other than the Assistant State's
 23 Attorney did you speak to anyone else about the
 24 result of Miss Melongo's trial?

1 A I'm sure I told the administration at
 2 the Police Department what had happened, but.
 3 Q Were you aware that just before trial
 4 began two counts of the indictment against
 5 Miss Melongo related to the alleged intrusion on
 6 April 28, 2006 were dismissed?
 7 A I vaguely remember it, yeah.
 8 Q Do you have any reason why they were
 9 dismissed?
 10 A I have no idea.
 11 Q Were you involved with any discussions
 12 with anyone about dismissal or potential dismissal
 13 of the first two counts of the indictment related
 14 to the April 28, 2006 tampering allegation?
 15 A I don't recall any specific
 16 conversation.
 17 Q Did anyone ever express concerns to you
 18 about the content of your police report that we've
 19 been talking about today, Exhibit 3?
 20 A Not that I recall.
 21 Q I'm handing you Plaintiff's Deposition
 22 Exhibit 42, Martin 001275 to 1276.
 23
 24

1 (A document was marked Plaintiff's
 2 Deposition Exhibit No. 42 for
 3 identification.)
 4 By Ms. Schwartz:
 5 Q This is an email -- exhibit 42 is an
 6 email from you to Kate Garcia dated September 11,
 7 2013. You write thank you very much.
 8 What was this response in response to?
 9 What were you thanking Miss Garcia for?
 10 A No idea.
 11 Q To your knowledge does this have
 12 anything to do with Miss Melongo's case or the
 13 Save a Life investigation?
 14 A No.
 15 Q Detective Martin, did you have any
 16 involvement in investigating or prosecuting
 17 Miss Melongo for criminal eavesdropping?
 18 A No.
 19 Q Were you aware that Miss Melongo was
 20 investigated and prosecuted for eavesdropping?
 21 A Yes.
 22 Q How did you become aware of that?
 23 A I don't recall who specifically told
 24 me.

1 Q But you were never asked to do anything
 2 related to the eavesdropping allegations?
 3 A No.
 4 Q Did you have any involvement in
 5 investigating or prosecuting Miss Melongo for
 6 allegedly threatening a public official?
 7 A No.
 8 Q Were you aware that Miss Melongo was
 9 investigated for threatening a public official?
 10 A Yes.
 11 Q How did you become aware of that?
 12 A I don't recall.
 13 Q Do you recall any conversations about
 14 the allegations related to threatening a public
 15 official?
 16 A No.
 17 Q You were suspended for one day from the
 18 Schiller Park Police Department for misstating a
 19 police report; is that correct?
 20 A No, that's not correct.
 21 Q Have you ever been suspended for one day
 22 from the Schiller Park Police Department?
 23 A Yes.
 24 Q What was the reason for that

1 suspension?

2 A To -- failure to complete a report in a
3 timely manner.

4 Q What was the general facts related to
5 that suspension?

6 A It was a reference to a -- what the
7 chief at the time thought to be a newsworthy case.
8 The initial incident occurred on a Saturday
9 evening. Our records department wasn't in on
10 Sundays or on weekends at all. So there was -- the
11 completion of the report wasn't done, and my intent
12 was to finish it on that Sunday when I returned to
13 work in the afternoon.

14 The chief unfortunately saw that it
15 hadn't been completed on Saturday, and he felt that
16 he needed to have something that he could read to
17 the news, should they call.

18 Q And that was the basis for the
19 suspension?

20 A Correct.

21 Q I'm handing you Plaintiff's Deposition
22 Exhibit 43, Bates No. CCSAO 008375 to 8377.

23
24

1 A Correct.

2 Q So it was an incorrect date in that
3 sense?

4 A No. The -- that was correct really what
5 was written on the report, but ultimately it wasn't
6 completed until later on on July 1st.

7 Q Have you had any other -- apart from
8 Exhibit 43 and what we've just been discussing,
9 have you had any other disciplinary charges brought
10 against you?

11 A No.

12 MS. SCHWARTZ: Just give me one moment.

13 MR. KAPLAN: If you want, why don't we take
14 one second -- you know, one minute, you can look
15 through.

16 Are you at a point where you're just
17 looking to see if you have anything else?

18 MS. SCHWARTZ: Yes. Let's go off the record.
19 (A discussion was had off the

20 record.)
21 (A recess was taken.)

22 MS. SCHWARTZ: All right. We are back on the
23 record, and I have no further questions.

24 MR. KAPLAN: I just have a couple of

1 (A document was marked Plaintiff's
2 Deposition Exhibit Martin No. 43
3 for identification.)

4 By Ms. Schwartz:

5 Q Is this a true and accurate copy of the
6 order of suspension to which you just referred?

7 A As I remember it, yes.

8 Q This all happened in 1998, correct?

9 A Yes.

10 Q And the finding, I'm turning to the
11 second page of this Exhibit 43, was that on 01 July
12 you finally completed the report and erroneously or
13 fallaciously indicated that the date/time of the
14 report was 30 June 98/2055?

15 A Correct.

16 Q And your reason for completing this
17 report a day later was you said because the records
18 group was not open?

19 A Correct. The date and time that he
20 references as far as June 30, '98, 2055, that was
21 the time that the -- I initially began the
22 report.

23 Q But it wasn't the time you actually
24 completed the report?

1 questions. Then Chris is going to ask the rest of
2 the questions, if that's okay.

3 MS. SCHWARTZ: That's fine with me.

4 EXAMINATION

5 By Mr. Kaplan:

6 Q Detective Martin, I just want to clarify
7 something that's in the record to make sure that
8 we're clear here.

9 Miss Schwartz was asking you about the
10 admissions made by Annabel Melongo in your July 20,
11 2006 interview at her home.

12 Do you remember that?

13 A I do.

14 Q And the details of her admission are set
15 forth in your report, am I correct?

16 A Correct. This is a summary of what she
17 had said to us.

18 Q And so in that interview she admitted to
19 accessing the server to get her emails for up to
20 about two weeks after her termination; is that
21 correct?

22 MS. SCHWARTZ: Objection, leading.

23 THE WITNESS: Correct.

1 By Mr. Kaplan:
 2 Q And what else did she tell you with
 3 regard to -- well, did she tell you that she had
 4 viewed Miss Spizzirri's emails and forwarded them
 5 on to herself?
 6 MS. SCHWARTZ: Objection, leading.
 7 THE WITNESS: Yes, she did.
 8 By Mr. Kaplan:
 9 Q And to the extent that those admissions
 10 are set forth in your report, they are in your
 11 report because she actually said them?
 12 MS. SCHWARTZ: Objection, leading.
 13 THE WITNESS: Yes.
 14 By Mr. Kaplan:
 15 Q And what, if any, questions did
 16 ASA Podlasek ask you in your grand jury testimony
 17 with respect to those admissions?
 18 A I don't recall him ever asking those
 19 questions.
 20 MR. KAPLAN: That's all I have and then Chris
 21 has some questions.
 22
 23
 24

1 administrator.
 2 Q Okay. So in your opinion there was no
 3 real legitimate reason for her to be accessing
 4 these email accounts using their log-ins and
 5 passwords as set forth here; is that correct?
 6 MS. SCHWARTZ: Objection, leading.
 7 THE WITNESS: That was my interpretation of
 8 what -- what is shown here in the summary, yes.
 9 By Mr. Wunder:
 10 Q Okay. And then going to the Yahoo log,
 11 which is Exhibit 37, the last page of that counsel
 12 was asking you about these log-ins.
 13 Do you see the last page there?
 14 A Yes.
 15 Q Okay. And there is no log-in for
 16 April 28th, correct?
 17 A Correct.
 18 Q Why did that not really concern you,
 19 though, when you were reviewing this particular
 20 log?
 21 MS. SCHWARTZ: Objection, leading.
 22 THE WITNESS: Only because it was logged -- it
 23 looks like there was a log-in hours beforehand, and
 24 no additional log-ins between the date of

1 EXAMINATION
 2 By Mr. Wunder:
 3 Q Detective Martin, on Exhibit 28, which
 4 is the summary of the forensic report, if you could
 5 go to --
 6 A One second.
 7 Q -- what is the third page of the report
 8 and it's CCSAO 3390 is the Bates stamp.
 9 A Okay.
 10 Q And you touched on this briefly. The
 11 third, fourth and fifth bullet points at the top
 12 there, do you see those, discuss the URL for the
 13 mail server and then Carol Spizzirri user name and
 14 password, and then the information for someone with
 15 the last name Gholar.
 16 Do you see that there?
 17 A Yes.
 18 Q And why was it concerning to you when
 19 you saw that in this report going back to when you
 20 were investigating this?
 21 A Miss Melongo, being an IT administrator,
 22 it doesn't make sense as to why she would be typing
 23 this information into a URL. If she needed
 24 permission to go somewhere, she had it being the IT

1 April 27th and 29th. Leading me to believe that
 2 the computer -- the account had never been logged
 3 out.
 4 By Mr. Wunder:
 5 Q Okay. And is that your same response
 6 for the log-in on May 1, 2006?
 7 MS. SCHWARTZ: Objection, leading.
 8 THE WITNESS: Yeah, there is a log-in for
 9 May 1st at 15:41:53 Greenwich Mean Time.
 10 By Mr. Wunder:
 11 Q Okay. So when you saw this log, it was
 12 your belief that she was perhaps on-line at the
 13 time of the intrusion and also the forwarding of
 14 the emails; is that correct?
 15 MS. SCHWARTZ: Objection, leading.
 16 THE WITNESS: Yes, based upon the account
 17 information and the IP address, yes.
 18 By Mr. Wunder:
 19 Q And something else from your report that
 20 didn't -- counsel didn't go into too much.
 21 You had a conversation with some
 22 representatives of the University of Missouri
 23 -Kansas City regarding Melongo; is that correct?
 24 A Correct.

1 Q And what were the results of those
 2 conversations?
 3 A I spoke to -- let's see. I spoke to
 4 Professor Oguz, O-g-u-z, in reference to him
 5 receiving some emails from -- X-rated emails I
 6 believe they were that he was receiving, and he was
 7 reporting those to the campus police. And
 8 Sergeant Leach of the -- L-e-a-c-h, of the U of M
 9 KC campus police department provided me a copy of
 10 their report documenting the investigation, but
 11 that these emails were sent to Professor Oguz.

12 He believed it to be Miss Melongo or
 13 that Miss Melongo had some involvement but they
 14 could never prove it because she -- the time that
 15 these emails were sent, both her -- both
 16 Miss Melongo and her roommate were logged in at the
 17 same time.

18 Q And what was the relevance of this
 19 information to you in during your investigation?

20 A Just the fact that past practice of
 21 using email servers and sending these emails and
 22 trying to -- because they were sent anonymously it
 23 covered her tracks.

24 Q And during your investigation did you

1 that information to you?

2 A Just in the sense she's trying to atone
 3 for something that she may have done or maybe even
 4 see how much damage or how the damage -- the impact
 5 onto their system and their day-to-day life,
 6 similar to like an arsonist watching a fire that he
 7 lit and being in the crowd as the fire's going.

8 Q Okay. So that's sort of impression,
 9 something that your experience as a police officer
 10 is kind of -- kind of taught you; --

11 MS. SCHWARTZ: Objection.

12 By Mr. Wunder:

13 Q -- is that correct?

14 MS. SCHWARTZ: Objection, form.

15 THE WITNESS: Just gut principles, yeah.

16 By Mr. Wunder:

17 Q And also during the search warrant of
 18 Miss Melongo's apartment, did you locate a password
 19 list by her computer?

20 A Yeah. I believe that was one of the
 21 items that we recovered was a list of -- I don't
 22 know if it was user names or just names in general
 23 along with their passwords.

24 Q Okay. And who else saw that document

1 come to the belief that Miss Melongo harbored some
 2 animosity toward the Save a Life Foundation?

3 MS. SCHWARTZ: Objection, leading.

4 THE WITNESS: I recall in one of the emails, I
 5 forgot which exhibit it was, where she says I'll
 6 expose you or something like that.

7 By Mr. Wunder:

8 Q Okay. Based on that email what, if any,
 9 conclusions did you draw from that?

10 A Obviously she was unhappy with being
 11 terminated and them rejecting her request to help,
 12 so I took that as being she's -- she was upset.

13 Q Okay. And your report also details
 14 conversations you had with Save a Life employees
 15 where they indicated that she was calling and
 16 contacting them to come in and perhaps fix the
 17 computer system.

18 Do you recall that?

19 A Yeah. Also in that Exhibit 4, it shows
 20 that Annabel called X4, which I'm taking to mean
 21 four times, and stopped in three, showing that she
 22 had made multiple attempts to contact people
 23 there.

24 Q Okay. And what was the relevance of

1 there?

2 A I don't recall if it was -- which one of
 3 the forensic examiners, whether Miss Monge or
 4 Miss Haqqani, but.

5 Q They were the ones who actually located
 6 it; is that correct?

7 A Yes. I believe one of them saw it or
 8 found it, and then brought it to my attention
 9 after the -- after the fact, after they found it.

10 Q And where was it located when they found
 11 it?

12 A It was next to one of the computers or
 13 nearby one of the computers. I don't recall which
 14 one it was.

15 Q And were you informed by Save a Life
 16 that she -- that Melongo was supposed to turn in
 17 all of her password lists, her user ID lists or
 18 things of that effect upon her termination?

19 A I believe we were tendered a document or
 20 Miss Melongo's exit interview or something like
 21 that that she had signed, and in that document
 22 there was a statement similar to the effect of all
 23 of the personal property and anything relating to
 24 Save a Life be returned to them and that she was

1 not -- no longer to possess.
 2 Q Okay. So is it your belief that she
 3 should not have had this document at her apartment
 4 at the time of the search warrant?
 5 MS. SCHWARTZ: Objection, leading.
 6 THE WITNESS: Yes.
 7 MR. WUNDER: I believe that's all I have.
 8 Eric did you have anything else? Yes,
 9 that's all I have.
 10 MS. BROWN: No questions.
 11 MS. NINFO: I have, real quick.
 12 EXAMINATION
 13 By Ms. Ninfo:
 14 Q Detective Martin, did your investigation
 15 of Miss Melongo's computer tampering allegations,
 16 was that investigation based solely on the
 17 statements made by Carol Spizzirri?
 18 A The entire investigation?
 19 Q Correct.
 20 A No.
 21 Q Okay. Were the conclusions you drew as
 22 a result of that investigation based solely on the
 23 statements of Carol Spizzirri?
 24 A No.

1 Q And were there allegations made by Carol
 2 Spizzirri against Annabel Melongo that were never
 3 further investigated by you?
 4 A Yes.
 5 MS. NINFO: Thank you. I have nothing
 6 further.
 7 MS. SCHWARTZ: I have just a few follow-ups.
 8 I'm sorry, did you have any questions?
 9 MS. CALLOWAY: No questions.
 10 MS. SCHWARTZ: Just based on Mr. Wunder's
 11 questioning, I have a few follow-up questions.
 12 FURTHER EXAMINATION
 13 By Ms. Schwartz:
 14 Q Detective Martin, related to your
 15 conversations with Professor Oguz at Roosevelt
 16 University, --
 17 A Uh-huh.
 18 Q -- did Mr. Oguz ever tell you why he
 19 believed Miss Melongo was behind the X-rated
 20 emails?
 21 MR. WUNDER: Was that Roosevelt? You said
 22 Roosevelt. Is that Kansas City?
 23 MS. SCHWARTZ: I'm sorry, let me rephrase the
 24 question. I misspoke.

1 By Ms. Schwartz:
 2 Q Directing your attention to your
 3 conversations with Professor Oguz at Kansas City,
 4 Missouri - Kansas City, which is referred to in
 5 your Exhibit 3 in which Mr. Wunder asked about --
 6 which Mr. Wunder asked you some questions.
 7 In your conversations with
 8 Professor Oguz, did he ever explain to you why he
 9 believed Miss Melongo was behind these X-rated
 10 emails?
 11 A I don't recall him specifically stating,
 12 no.
 13 Q Did you ask him why he believed
 14 Miss Melongo had something to do with the X-rated
 15 emails?
 16 A I don't recall.
 17 Q And based on your investigation you
 18 determined that Kansas City, Missouri -- University
 19 of Missouri - Kansas City could not determine if
 20 Miss Melongo was behind those X-rated emails,
 21 correct?
 22 A That's what the police report from
 23 Sergeant Leach said, I believe.
 24 Q In fact, you found out that the

1 University of Missouri - Kansas City couldn't
 2 determine if Miss Melongo was involved because it
 3 could have been her roommate who had access to the
 4 same internet system, correct?
 5 A All I know is that her roommate was
 6 signed in the University's email server at the
 7 exact time that these anonymous emails were sent,
 8 both Miss Melongo and her roommate.
 9 Q Mr. Wunder asked you a few questions
 10 about the email that Miss Melongo sent to
 11 Miss Spizzirri on May 1, 2006 in which she said --
 12 she called her a pathological liar and said I will
 13 expose you.
 14 Did you ever ask Miss Spizzirri or
 15 Miss Melongo what I will expose you referred to?
 16 A I don't recall any, no.
 17 Q Did you ever consider that Miss Melongo
 18 had information about Miss Spizzirri that
 19 Miss Spizzirri had reason to cover up?
 20 A I don't recall, no.
 21 Q You just offered some testimony about
 22 the meaning of Carol Spizzirri's email to I believe
 23 it was Brian Salerno on May 1, 2006 in which she
 24 said that Miss Melongo stopped in four times and

1 called three times.
 2 A Yes, Exhibit 4.
 3 Q That's Exhibit 4.
 4 MR. KAPLAN: Julia, I'm going to leave now.
 5 Chris -- you have only a few more minutes but I
 6 have to -- I have to run. Take care. Write down
 7 your cell phone and I'll call you.
 8 MS. SCHWARTZ: I'm nearly done.
 9 MR. KAPLAN: Thank you, everybody.
 10 (At this point in the deposition
 11 Mr. Kaplan left the room.)
 12 By Ms. Schwartz:
 13 Q So referring to Exhibit 5, Mr. Wunder
 14 asked you some questions about the email that Carol
 15 Spizzirri sent on May 1, 2006 in which she said
 16 Annabel called X3 and stopped in three?
 17 MR. WUNDER: X4, sorry.
 18 MS. SCHWARTZ: X4.
 19 MR. WUNDER: You said X3, sorry.
 20 By Ms. Schwartz:
 21 Q Annabel called in X4 and stopped in
 22 three. And you speculated that you thought
 23 Miss Melongo might be trying to atone for
 24 something; is that correct?

1 A Yes.
 2 Q What's the basis for that -- that
 3 thought that Miss Melongo was possibly trying to
 4 atone for something?
 5 A Just in a sense that she's trying to
 6 stay involved with them, trying to maybe
 7 potentially get her job back, and being able to
 8 rectify the problem in a sense where if I know what
 9 the problem is, and I can fix it faster than
 10 somebody who doesn't know.
 11 Q When we discussed this exhibit,
 12 Exhibit 5 this morning, you testified that you
 13 didn't recall if Miss Spizzirri in sending this
 14 email was trying to accuse Miss Melongo of
 15 tampering, wasn't that your testimony this
 16 morning?
 17 A Correct.
 18 Q So why do you now think that
 19 Miss Melongo was trying to atone for something when
 20 she stopped in to Save a Life Foundation's
 21 offices?
 22 MR. WUNDER: Well, I think you are asking two
 23 different questions. I think the one from this
 24 morning, she is not accusing her of computer

1 tampering. So I don't -- I don't know. Sorry,
 2 maybe it's just a --
 3 By Ms. Schwartz:
 4 Q Well, this morning I asked you about the
 5 same email, think we found who - Annabel called X4
 6 and stopped in three.
 7 This morning you testified that reading
 8 that email you weren't sure if that meant that
 9 Carol Spizzirri was accusing Miss Melongo of
 10 anything; is that --
 11 A Correct.
 12 Q -- is that correct?
 13 A Correct.
 14 Q Now you are interpreting that same email
 15 just a different -- the part of it about Annabel
 16 calling X4 and stopping in three, correct?
 17 A Correct.
 18 Q And you are interpreting the meaning of
 19 Miss Spizzirri's email on that day, correct?
 20 A I'm interpreting what's written here as
 21 far as Miss Melongo's actions, of why she may be
 22 reaching out to them.
 23 Q Did you consider the possibility that
 24 Miss Melongo was reaching out to help because she

1 has expertise in IT-related areas?
 2 A Potentially, yes.
 3 Q Did you consider that when you did the
 4 investigation?
 5 A Yes.
 6 MS. SCHWARTZ: I have nothing further.
 7 MR. WUNDER: All right. We're all set. Let's
 8 go ahead and reserve, just because I think Eric
 9 would want to, so we'll reserve signature.

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 11 DEPOSITION CONCLUDED
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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF ILLINOIS
 3 EASTERN DIVISION
 4 ANNABEL MELONGO,)
 5 Plaintiff,)
 6 vs.)No. 13-cv-04924
 7 ASA ROBERT PODLASEK, et al.,)
 8 Defendants.)

9 I, DETECTIVE WILLIAM MARTIN, being first
 10 duly sworn, on oath, say that I am the deponent in
 11 the aforesaid deposition, and that I have read the
 12 foregoing transcript of my deposition, consisting
 13 of pages 1 through 295, inclusive, taken on
 14 May 8, 2018, at the aforesaid place and that the
 15 foregoing is a true and correct transcript of my
 16 testimony so given.

17 _____ corrections were made
 18 _____ no corrections were made

19 DETECTIVE WILLIAM MARTIN

20 SUBSCRIBED AND SWORN TO
 21 before me this _____ day
 22 of _____ A.D., 2018.

23 NOTARY PUBLIC

1 for nor in any way related to any of the parties to
 2 this suit, nor am I in any way interested in the
 3 outcome thereof.

4 IN TESTIMONY WHEREOF, I have hereunto set
 5 my hand and seal this 24th day of May, 2018.

6 *Marybeth Roessler*



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NOTARY PUBLIC
 WILL COUNTY, ILLINOIS
 CSR NO. 084-002864
 CSR Expires: May 31, 2019

1 STATE OF ILLINOIS)
 2)SS:
 3 COUNTY OF W I L L)
 4 I, MARYBETH ROESSLER, a notary public
 5 within and for the County of Will and State of
 6 Illinois, do hereby certify that DETECTIVE WILLIAM
 7 MARTIN personally appeared before me on May 8,
 8 2018, as a witness in a cause now pending and
 9 undetermined in the United States District Court,
 10 Northern District of Illinois, Eastern Division,
 11 wherein Annabel Melongo is Plaintiff and ASA Robert
 12 Podlasek, et al., are Defendants, No. 13-cv-04924.

13 I further certify that the said

14 DETECTIVE WILLIAM MARTIN was by me first duly sworn
 15 to testify the truth, the whole truth and nothing
 16 but the truth in the cause aforesaid before the
 17 taking of his deposition; that the testimony given
 18 was stenographically recorded in the presence of
 19 said witness by me, and afterwards reduced to
 20 typewriting, and that the foregoing is a true and
 21 correct transcript of said testimony.

22 I further certify that there were present
 23 at the taking of this deposition the aforementioned
 24 counsel.

I further certify that I am not counsel

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF ILLINOIS
 3 EASTERN DIVISION
 4 ANNABEL MELONGO,)
 5 Plaintiff,)
 6 vs.)No. 13-cv-04924
 7 ASA ROBERT PODLASEK, et al.,)
 8 Defendants.)

9 THE CHANGES IN MY TESTIMONY ARE AS
 10 FOLLOWS:

11 PAGE _____ LINE _____
 12 CHANGE _____
 13 TO _____
 14 REASON _____

15 PAGE _____ LINE _____
 16 CHANGE _____
 17 TO _____
 18 REASON _____

23 DETECTIVE WILLIAM MARTIN

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22 DETECTIVE WILLIAM MARTIN
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